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May 11/88 - June 15/88

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE OF COUNCIL

CA4 ON HBL AOS
CSIP4
1988

E. A. SIMPSON
CITY CLERK

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DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 May 5

URBAN MUNICIPAL
MAY 9 1988
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 May 11th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder

Mrs. Susan K. Reeder
Secretary

NOTE: The Public Meeting portion of the Agenda will begin at 3:00 o'clock p.m. in Room 233.

AGENDA

1. Minutes of the meeting held Tuesday, 1988 April 26th and Wednesday, 1988 April 27th.

MAYOR ROBERT M. MORROW

2. Construction Canada '88 Conference - Toronto - 1988 May 31 - June 2 -"The Focus of the Building Industry".

DIRECTOR OF PROPERTY

3. Re-opening of Ruth Street from Clinton Street to the Railway Tracks.

4. Purchase by the City - 25 Gerrard Street.

5. City Sale - Lot 38, Plan M-227 - Hamilton Industrial Park #1.

CANADIAN FOOTBALL HALL OF FAME 25 YEARS 1963-1988 HAMILTON

COMMISSIONER OF ENGINEERING

6. Cash payment in lieu of 5% Parkland Dedication.

(a) Templemead Gardens.

(b) Oakland Park Extension No. 5.

DIRECTOR OF LOCAL PLANNING

7. Subdivision Application 85-09 - deletion of lands from the draft approved plan "DiGirgenti Court", proposed Lots 1 and 2.

8. City Initiative C187-F - Review of the Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts.

9. Site Plan Control Application DA87-77 - lands at 203 Homewood Avenue.

10. Bill 94 - An Act to Prohibit Discrimination by Municipalities against Unrelated persons occupying residential property.

11. Transport Canada Airport Land Use Plan - Hamilton Airport.

12. To include the lands at 18 Main Street East (former Wentworth Arms Property) under Site Plan Control.

PUBLIC MEETING

3:00 o'clock p.m.

13. Zoning Application 88-08 - Cidracine Enterprises Limited, In Trust, prospective owner, for a modification to the "K" District regulations for property at 293 - 335 Wellington Street North; Beasley Neighbourhood (Report to follow).

(a) Report of the Business Land Use Advisory Board.

14. Zoning Application 88-15 - Cupido Realty and Insurance Ltd., owner, for a change in zoning from "L-mr-2" to "E-3" and a modification to the "E-3" District regulations for properties at 159 - 179 Hunter Street East; Corktown Neighbourhood.

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3:15 o'clock p.m.

15. Zoning Application 88-18 - Amalgamated Transit Union Local 107, owner, for a modification to the "H" District regulations for property at 26 Wilson Street; Beasley Neighbourhood.

(a) Letter of submission -Kenrich Footwear Limited.

16. Zoning Application 88-22, 690372 Ontario Inc. (C. Tubic), lessee, for a change in zoning from "L-pn" to "G-3" for property at the rear of 2800 Barton Street East; Riverdale East Neighbourhood.

3:30 o'clock p.m.

17. Zoning Application 88-20, S. and D. Waldenberg, owners, for a modification to the "C" District regulations for property at 395 Queen Street South; Durand Neighbourhood.

(a) Letter of submission - Mr. & Mrs. M. Minden, 399 Hess Street South.

(b) Letter of submission - Mr. & Mrs. J. Evans, 454 Queen Street South.

(c) Letter of submission - D. B. Maclean, 394 Queen St. South.

(d) Letter of submission - Dr. & Mrs. J. Dolovich, 391 Queen Street South.

(e) Letter of submission - Mr. & Mrs. Ho, 395 Hess Street South.

18. Day Nurseries - Policies and Controls.

19. Other Business.

20. Adjournment.

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

URBAN MUNICIPAL
MAY 18 1988
GOVERNMENT DOCUMENTS

1988 May 18

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E. G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Tuesday, 1988 April 26 and Wednesday, 1988 April 27.

These minutes were approved by the Committee at its meeting held Wednesday, 1988 May 11th.

Yours very truly,

Susan K. Reeder

Susan K. Reeder
Secretary
Planning and Development Committee

SKR:dbm

Attch.

c.c.'s Manager, C.M.H.C.
Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
Mr. V. Mauceri, Manager, Research Dept., H.S.R.
Mr. J. A. Penner, Board of Education
Mr. T. Cupido, Secretary, Hamilton Separate School Board
Mr. M. D. Crowley, Southam Communications Ltd.
Mr. D. Miller, Canada Life, London, Ontario
Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison

CANADIAN FOOTBALL HALL OF FAME 25 YEARS 1963-1988 HAMILTON

Tuesday, 1988 April 26
6:15 o'clock p.m.
Room 219, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman T. Cooke
Alderman W. McCulloch
Alderman H. Merling

Regrets: Alderman D. Ross, Vice-Chairman
Alderman B. Hinkley - Vacation
Alderman D. Agostino

Also present: Alderman G. Copps
Mr. L. Sage, Chief Administrative Officer
Mr. E. Kowalski, Director of Community Development
Mrs. Susan K. Reeder, Secretary

Ottawa Street Business Improvement Area - Commercial Improvement Programme

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 26th respecting a request by the Ottawa Street Business Improvement Area - Commercial Improvement Programme.

Representatives of the Ottawa Street B.I.A. were in attendance at this meeting and it was indicated that they were in agreement with the conditions set out in this report.

Moved by Alderman Christopherson, seconded by Alderman Merling and carried to APPROVE the following recommendation:

That the request of the Ottawa Street North Business Improvement Area to install electrical receptacles to provide power for lights on the trees on Ottawa Street North under the Commercial Improvement Plan BE APPROVED. The above approval to be subject to the following conditions at a cost not to exceed forty-eight thousand dollars ($48,000):

(a) That the Ottawa Street B.I.A. be responsible for the flat rate power consumption charges, payable by them to Hamilton Hydro.

(b) That the Regional Municipality of Hamilton-Wentworth maintain only the hydro pole mounted electrics.

(c) That the Ottawa Street B.I.A. be responsible for maintenance of all conduits, receptacles, junction boxes, wires, etc. under the ground and alongside the trees.

(d) That the electrical outlets be located above normal reach and on either existing poles or existing building fronts, with properly designed load capacities.

(e) That the strings of lights be fastened to the trees with adjustable fasteners to avoid girdling

(f) That electrical wires and fasteners be checked annually by the City Forestry Staff to avoid continuous wear of the wires and girdling of the trees.

(g) That strings of lights and other electrical wires be replaced every 5 years, at which time the trees could be trimmed by the Forestry staff.

(h) That all wiring and lighting be installed on each occasion by a qualified electrician at the expense of the Ottawa Street B.I.A.

(i) That the Ottawa Street B.I.A. be responsible that the lights are working properly.

(j) That the Ottawa Street B.I.A. be responsible for the annual hydro charges.

(k) That if all of the above criteria are not followed, then the lights and wiring will be removed, with the cost charged to the Ottawa Street B.I.A.

NOTE: Ontario Municipal Board approval was received in 1987 for the entire Commercial Improvement Programme at a gross cost of $2.5 million dollars. The estimated cost to locate electrical receptacles at the trees on Ottawa Street North is $48,000. if carried out during the construction process that is presently underway.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Secretary
1988 April 26

Wednesday, 1988 April 27
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith. Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Agostino
Alderman T. Cooke

Regrets: Alderman B. Hinkley - Vacation

Also present: Alderman J. Gallagher
Alderman G. Copps
Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. E. Kowalski, Director of Community Development
Mr. L. King, Building Department
Mr. M. Watson, Real Estate Division
Ms. N. Chapple, Planning Department
Mr. J. Schwarz, Regional Planning Department
Ms. M. Germann, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. J. Zipay, Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

Provincial Outstanding Achievement Award - Mrs. Diane Dent.

Alderman W. McCulloch spoke to the Committee on the recently presented Provincial Outstanding Achievement Award to Mrs. Diane Dent, present Chairman of the City's L.A.C.A.C. Committee. Alderman McCulloch informed the Committee of many of her numerous achievements and community activities.

Mrs. Dent was at the meeting and responded with thanks to Alderman McCulloch's comments.

Waterfront meeting.

Mayor Morrow indicated to the Committee that he had had a very positive and good meeting with the Honourable Otto Jelinik and members of the Niagara Regional Caucus respecting the Waterfront.

Minutes - 1988 April 13th.

Moved by Alderman Ross, seconded by Alderman McCulloch and carried to ADOPT the minutes of the meeting held Wednesday, 1988 April 13th.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988 April 20th respecting Demolition Permit Applications.

Moved by Alderman Ross, seconded by Alderman Agostino and carried to APPROVE the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties.

(a) 99 Arbour Road

(b) 407 Sherman Avenue North

1988 Annual Conference - Ontario Association of Committees of Adjustment.

The Committee was in receipt of a report from the Building Commissioner dated 1988 April 15th respecting the 1988 Annual Conference of the Ontario Association of Committees of Adjustment.

Moved by Alderman Ross, seconded by Alderman Agostino and carried to APPROVE the following:

> That two members of the Committee of Adjustment be authorized to attend the 1988 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days in June in Cornwall, Ontario, at an expense not exceeding $680.00 each, to be charged to account 0321-0291 - Legislative Travelling.

Revised Board of Management - Ottawa Street B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 15th respecting the revised Board of Management - Ottawa Street Business Improvement Area (B.I.A.).

Moved by Alderman Christopherson, seconded by Alderman Ross and carried to APPROVE the following:

(a) That, By-law 81-47 appointing the Ottawa Street Business Improvement Area Board of Management be amended to delete the following names: Mr. Mike Cole, Mr. Chuck Weber, Mr. Steve Konstantinidis, Mr. Trent Richer, and add the following names: Mr. Don Ferrell, Ms. Lorraine Baker and Mr. Ed Widerman.

(b) That, the City Solicitor be authorized and directed to amend By-law 81-47 pursuant to (a) above.

Special Meeting to award a contract - Phase V, Downtown Hamilton Action Plan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 21st respecting the awarding of a contract - Phase V of the Downtown Hamilton Action Plan, James Street North Streetscape Improvements.

The Committee APPROVED the following recommendation:

> That the Planning and Development Committee hold a special meeting prior to City Council on 1988 May 10 to award a contract to carry out Phase V of the Downtown Hamilton Action Plan.

Termination of encroachment agreement - 224 James St. N., Phase V, Downtown Hamilton Action Plan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 20th respecting the termination of an encroachment agreement at 224 James Street North - Phase V of the Downtown Hamilton Action Plan.

One of the owners of Mattina Brothers Hardware, was in attendance at the meeting.

It was then moved by Alderman McCulloch, seconded by Alderman Ross and carried to APPROVE the following recommendation:

(a) That the Transport and Environment Committee be requested to terminate the encroachment agreement between the City of Hamilton and the owner of 224 James Street North (Mattina Brothers Hardware), and,

(b) That the Regional Engineering Department be directed to take the necessary action with respect to (a) above.

The Committee further directed that the Department of Community Development work with the owners to assist them in moving out at the appropriate time.

Sale of City lands - 26 Keefer Court.

The Committee was in receipt of a report from the Director of Property dated 1988 April 18th respecting the Sale of City lands at 26 Keefer Court.

Moved by Alderman Ross, seconded by the Mayor and carried to APPROVE the following:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton duly executed on 1988 April 14 by the Purchaser, Ironwood Design & Construction Ltd. and scheduled for closing on 1988 July 17, BE APPROVED AND COMPLETED.

NOTE: The purchase price is $89,488. and the funds are to be credited to Account 0280-02 - Reserve for Property Purchases. A deposit cheque in the amount of $8,948. is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the southern limit of Keefer Court having a frontage of 87.652 metres (287.57 feet) by a depth of 59.496 metres/74.303 metres (195.19 feet/243.77 feet) and containing an area of 4,527 metres squared (1.1186 acres) and more particularly described as Part 11, Plan 62R-6188 (26 Keefer Court).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto and marked APPENDIX "A".

Cash in lieu payment - Wentworth Place, Phase 1.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 April 19th respecting cash payment in lieu of 5% parkland dedication - Wentworth Place - Phase 1.

Moved by Alderman Ross, seconded by the Mayor and carried to APPROVE the following:

That the Corporation of the City of Hamilton accept the sum of $6,900. as cash payment in lieu of 5% dedication in connection with "WENTWORTH PLACE - PHASE 1", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Limeridge Road and west of Upper Wentworth Street in the Crerar Neighbourhood, Hamilton.

Replacement member - Task Force on Student Housing.

The Committee was in receipt of a report from the Secretary of the Task Force on Student Housing dated 1988 April 19th respecting the replacement of a member on the Task Force on Student Housing.

Moved by Alderman Cooke, seconded by Alderman Christopherson and carried to APPROVE the following:

That Suzan E. Fraser replace Bob Jacecki as a representative of the Student Union on the Task Force on Student Housing.

Designation - West Avenue School - 255 West Ave. N.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1988 April 15th respecting the designation of the West Avenue School, 255 West Avenue North.

Moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following:

(a) That APPROVAL be given to the "Intent to Designate" the West Avenue School as a property of Historical and Architectural Value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, herewith attached and marked APPENDIX "B".

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Designation - Zeller's Building, 22-26 James St. N.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1988 April 15th respecting the designation of the Zeller's Building, 22-26 James Street North.

Mrs. Diane Dent, Chairman of L.A.C.A.C. was in attendance and spoke on this recommendation. Mr. David Cuming, President, the Architectural Conservancy of Ontario was also in attendance with respect to this matter. A letter from him dated 1988 April 25 in support of the designation of the Zeller's Building was presented to the Committee.

Mr. Boiago, representative of the owners of the property was in attendance and spoke to the Committee on his client's opposition to this designation.

The Committee then discussed this matter at great length and it was then moved by Alderman Ross, seconded by Alderman Agostino and carried to DENY the request of L.A.C.A.C. for designation of this building as follows:

That the recommendation of the Local Architectural Conservation Advisory Committee to approve the "Intent to Designate" the Zeller's Building at 22-26 James Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, and as outlined in the "Reasons for Designation" herewith attached and marked APPENDIX "C" BE DENIED.

Reconvene to Council Chambers.

At this point the meeting adjourned to the Council Chambers to hear Zoning Applications.

ZA88-03 - 802 Concession St.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 13th respecting Zoning Application 88-03, for property at 802 Concession Street. The Commissioner of Planning and Development recommends denial of this application.

The circularization of this application was given as follows:

654 notices sent 32 in favour 82 opposed

Mr. Boecker, 806 Concession Street spoke to the Committee in opposition to this application. A letter dated from him, 1988 April 12, was received by the Committee. Mr. Boecker outlined the approaches made to him by the owners of the property at 802 Concession Street and their attempts to purchase his property. He indicated that he is very much opposed to this application and indicated that parking in the area is already very scarce.

The owner of property at 25 East 33rd Street spoke in opposition to this application and indicated that he agrees with Mr. Boecker's comments.

The Committee was also in receipt of letters of opposition from the following:

(a) M. Dunlop, 23 East 34th Street.

(b) Mrs. M. Scott, 803 Concession Street, No. 304.

(c) C. S. T. French, 21 Ben Lomond Place, Apt. 409.

(d) Ilene Runion, 801 Concession Street, No. 704.

(e) M. Le Huray, 805 Concession Street, Apt. 21.

Mr. Todar Pruv, owner of the property spoke to the Committee. He indicated that money will be spent to fix up this property once his application has been approved. He indicated that this proposal will mean jobs for the Community and feels the development will increase the value of the surrounding homes.

The Committee then discussed this application in great length and agreed to DENY this application as follows:

That Zoning Application 88-03, Todar Pruv, owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Club, etc.) District to "G" (Neighbourhood Shopping Center) District, to permit the redevelopment of the subject lands for a restaurant having a seating capacity of 36 persons, for the property located at No. 802 Concession Street as shown on the attached map marked as APPENDIX "D", BE DENIED for the following reasons:

(a) the block face between Thirty-Third and Thirty-Fourth Streets is both designated in the Official Plan and used for residential purposes (single family dwellings and a multiple dwelling) and therefore, the restaurant represents an intrusion of a commercial use into an established residential area and it does not comply with the Official Plan.

(b) the restaurant would have a negative impact in terms of noise, parking and potential odours on the surrounding residential uses.

(c) it sets an undesirable precedent for future similar redevelopment applications.

SA88-01 and ZA88-05 - 1556 Upper Gage Ave.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 13th respecting a Subdivision Application and a Zoning Application for property at 1556 Upper Gage Avenue.

Report of the circularization was given as follows:

70 notices sent 14 in favour 0 opposed

Mr. Mihailovich, Solicitor for Mr. Dussin, owner of the property spoke to the Committee.

Alderman Merling as Ward Alderman indicated that he has spoken with the area residents and there is a need for a fence to be put at the southerly border of the applicant property.

Subdivision Application 88-01, west side of Upper Gage Ave., north of Sinena Ave.

It was then moved by Alderman Merling, seconded by Alderman McCulloch and carried to APPROVE the following recommendations:

(a) That APPROVAL be given to Subdivision Application 88-01, Dussin Quality Homes, owner, to establish a draft plan of subdivision on the west side of Upper Gage Avenue north of Sinena Avenue, subject to the following conditions:

(i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1987 October 20, showing 12 lots, one Block (Block "13") as a widening and one Block (Block "14") for development with adjacent lands, revised to add street curves at the cul-de-sac bulb.

(ii) That the street and the street widening (Block "13") be dedicated as public highways on the final plan.

(iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

(v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That Block "14" be developed only in conjunction with abutting lands.

(ix) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(x) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(xi) That a satisfactory fence be erected at the southerly boundary of Lots 1,2,3, 4 and 5.

(b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-01), Dussin Quality Homes, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

ZA88-05 - 1556 Upper Gage Avenue.

That APPROVAL be given to Zoning Application 88-05, Antonio Dussin, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District for property located at No. 1556 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "E" on the following basis:

(a) That the subject lands be rezoned from "L-mr-1" (Planning Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(d) That the Eleanor Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" Residential land use designation and by the addition of the proposed cul-de-sac to the street pattern.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 1556 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for the purposes of establishing single-family dwellings.

Plan of Condominium - south side of Main St. E., west of Erie Ave, and east of Tisdale St.S.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 8th respecting a plan of condominium for property on the south side of Main Street East, west of Erie Avenue and east of Tisdale Street South.

Moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE the following:

That APPROVAL be given to Subdivision Application 87-34, "Hunter's Green", Hampton Court Management Inc., owner, to establish a draft plan of condominium located on the south side of Main Street East, west of Erie Avenue and east of Tisdale Street South, subject to the following conditions:

(a) That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1987 November 3.

(b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Condominium Application - south side of Bigwin Road, west of Pritchard Road and east of Anchor Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 11th respecting a condominium application for property on the south side of Bigwin Road, west of Pritchard Road and east of Anchor Road.

Moved by Alderman McCulloch, seconded by Alderman Ross and carried to APPROVE the following:

That APPROVAL be given to Subdivision Application 88-07, "Stonecliff Place", Ablaka Developments Limited, owner, to establish a draft plan of condominium located on the south side of Bigwin Road, west of Pritchard Road and east of Anchor Road, subject to the following condition:

(a) That this approval apply to the plan prepared by A. J. Clarke and Associates Limited, dated 1988 February 17.

Application for condominium - south side of Duke St., west of Park Street, north of Robinson Street and east of Bay Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 14th respecting an application for condominium for property on the south side of Duke Street, west of Park Street, north of Robinson Street and east of Bay Street.

Alderman Ross declared a conflict of interest in this matter and refrained from any discussion.

Moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE the following:

That APPROVAL be given to Subdivision Application 88-08, "The Polo Club", Galwan Canada Limited, owner, to establish a draft plan of condominium located at the south side of Duke Street, west of Park Street, north of Robinson Street and east of Bay Street, subject to the following conditions:

(a) That this approval apply to the plan prepared by S. W. Woods Inc., dated 1988 February 19.

(b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposal to amend the Hamilton-Wentworth Official Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 19th respecting a proposal to amend the Hamilton-Wentworth Official Plan to permit the development of a private high school in the Rural Policy Area in the Town of Ancaster.

Moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE the following:

That the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the proposed amendment to the Hamilton-Wentworth Official Plan to permit a private high school in the Rural Policy Area of the Town of Ancaster (Proposed Amendment No. 33), does not conflict with the planning intentions of the City of Hamilton.

NOTE: The proposed amendment to the Hamilton-Wentworth Official Plan would permit the development of a private high school at the south-west corner of Highway No. 53 and Glancaster Road in the Rural Policy Area of the Town of Ancaster.

Correspondence - Mr. Parente re: rent controls.

The Committee was in receipt of correspondence to them from Alderman Cooke from Mr. Parente, respecting rent controls.

Moved by Alderman Cooke, seconded by Alderman Ross and carried to TABLE this matter in order that the Committee can decide on the format for dealing with this.

Neighbourhood Plan Review - Bruleville Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 19th respecting the Neighbourhood Plan Review, vicinity of Fieldway Drive, Bruleville Neighbourhood.

Mr. Jack Pelech, representative of owners of property on Upper Wentworth Street spoke to the Committee and indicated that his clients are in agreement with the staff recommendation for this lands use.

Mr. Stout, representative for Barriview Developments Limited who will be purchasing property along Upper Wentworth Street spoke to the Committee. He displayed a drawing on what his clients would like to put onto that land. He indicated that he disagrees with the recommendation as his clients do not wish to build a six level apartment building but rather a one level commercial building. He indicated that he agrees with no access to the west. He feels that the smaller piece of property is forcing the larger property to do what it wants and summed up by saying that he does not agree with the recommendation.

Mr. Foreman, representative of owners for property on Upper Wentworth spoke to the Committee and indicated that he wants the apartment use extended to the north.

The Committee then discussed this matter in great length and it was moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the staff recommendation. Motion lost.

It was then moved by Alderman Ross, seconded by Alderman Cooke and carried to APPROVE an amended version of the land use. Motion carried as follows:

> That the Bruleville Neighbourhood Plan attached hereto and marked APPENDIX "F", BE APPROVED.

ZA87-41 - 864 Upper Wentworth Street.

Moved by Alderman Merling, seconded by Alderman Cooke and carried to LIFT from the table Zoning Application No. 87-41, for property located at No. 864 Upper Wentworth Street.

Moved by Alderman Merling, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

> That APPROVAL be given to Zoning Application 87-41, Joe Ng, prospective owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for property located at No. 864 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "G" on the following basis:
>
> (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
>
> (b) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

(c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of the Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 11.(2) of By-law No. 6593 no building or structure shall exceed six storeys in height.

(ii) Notwithstanding Section 11.(5) of By-law No. 6593 the density of development shall not exceed 60 dwelling units.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1076, and that the subject lands on Zoning District Map E-18 be notated S-1076;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18;

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(g) That approval of this amending By-law be conditional upon City Council's adoption of changes to the Bruleville Neighbourhood Plan to redesignate the subject lands from "Single and Double" residential to a "Medium Density Apartment" land use designation.

NOTE: The purpose of the By-law is to provide for the following changes in zoning for property located at No. 864 Upper Wentworth Street:

Block 1 - Change from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

Block 2 - Change from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

The effect of the By-law is to permit a 60 unit apartment building having a maximum height of 6 storeys.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Secretary
1988 April 27

Exposition Marketing International Limited

35 Skelmore Crescent
Don Mills
Ontario
M3A 2G9

416.447.5141
in Montreal
514.273.9454

cc. Mrs. Susan Reeder, Secretary, Planning and Development Committee, from Mayor Bob Morrow, April 26th, 1988 (for agenda)

APR 20 1988

CONSTRUCT CANADA '88

Open Letter To: Municipalities

Subject: Construct Canada '88 Conference

Dear Sir/Madam

Please find enclosed information pertaining to the Construction Canada '88 Conference.

The workshop component of the conference format will address a wide range of issues of interest to municipalities; particularly those sessions specifically concerned with the regulation of development and building code enforcement.

Construct Canada '88 will also provide municipalities with insights into many of the key issues directly related to their role as a major buyer of construction services as well as an owner of buildings. New product innovations and their potential effect on the implementation of the building code will also be highlighted.

We request that the topic of CC'88 be placed on the council's agenda for discussion in order to make councillors and senior municipal staff aware of the conference format and its very considerable potential benefit; as well as to permit the appointment of appropriate delegates.

Yours truly

Paul Newdick
Show Manager

Your invitation to
a very special conference

CONSTRUCT CANADA '88

"The Focus of the Building Industry"
May 31-June 2

To P+D comm
YOUR agent

DETAILED CONFERENCE REGISTRATION PROGRAM

Metro Toronto Convention Centre

Sponsored by

TORONTO CONSTRUCTION ASSOCIATION
Voice of the Industry

Conference At A Glance

MAY 31	***PLENARY SESSION***				
9:30 a.m.					
12 noon	**RECEPTION – LUNCHEON**				
2:30 p.m.	**A1** Innovative Financing Trends	**B1** Extras and Changes	**C1** What Buildings in the Year 2000 will look like	**D1** Planning and On-Site Productivity Improvement	**W1** Feasibility of Renovations
JUNE 1	**A2** Commercial Development Trends	**B2/B3** Building Commissioning	**C2** Innovation in Concrete and Steel	**D2** Evolution of Design/Build Firms	**W2** Case Study: The Eurotunnel
9:00 a.m.					
11:00 a.m.	**A3** Retail Development Trends		**C3** Plastics and Architectural Innovations	**D3** Communicating Between the Site & the Office	**W3** Case Study: The Fixlink
12 noon	**RECEPTION – LUNCHEON**				
2:00 p.m.	**A4** Industrial Development Trends	**Special:** Construction in Space	**C4** The Intelligent Building	**D4** Computerization in Construction Design	**W4** Workers' Compensation Board
JUNE 2	**E1/E2/E3** Construction Law	**F1/F2/F3** Export Strategies	**C5** Parallam & Innovations in Wood Products	**G1/G2** Air Vapour Barriers and Building Envelope	**W5** Building Industry Centre for Ontario
9:00 a.m.					
11:00 a.m.			**C6** Evolution of Roofing Technologies		**W6** Pay Equity Legislation
12:30 p.m.	**RECEPTION – LUNCHEON**				
2:30 p.m.			**C7** SkyDome Technologies	**G3** Air Quality & Energy Management	**W7** Assembly vs. Finishing: Prefabrication

Because of the difficulty of cross-checking extensive mailing lists, it is not always possible to screen out duplicates. If you receive more than one copy of this booklet, please pass it along to a colleague. Thank you!

WHO SHOULD ATTEND

- **Real Estate Developers and Homebuilders**
  - commercial, industrial and shopping centre developers
  - residential developers, homebuilders and renovators
- **Contractors and Sub-contractors**
  - general contractors and trade contractors in all areas of construction
  - project managers, contract and construction managers
- **Design Professionals, Specifiers and Consultants**
  - architects, engineers, specifiers, planners, quantity surveyors, land economists, landscape architects, registered interior designers
  - construction management consultants
- **Building Owners**
  - owners and managers of office, industrial and retail buildings
  - physical plant managers
  - buyers of construction services
- **Financial, Real Estate and Legal Services**
  - firms providing commercial, real estate and construction financing and insurance
  - managers of real estate portfolios
  - lawyers specializing in construction and real estate
  - real estate agents and brokers
- **Manufacturers, distributors and suppliers of construction related products and services**
  - manufacturers of building materials, products, systems, technologies and equipment
  - retailers, building supply centres and distributors
  - exporters and trading companies
- **Governments**
  - municipalities: councillors, building officials, planners, municipal engineers, physical plant and property managers, economic development officers
  - provincial ministries: housing, municipal affairs, industry trade and technology, energy, real estate, property management, skills development
  - federal government and agencies
- **Educators and Researchers**
  - from colleges, universities and other institutions
  - research and development agencies, testing organizations, building scientists

IF YOU DON'T HAVE TIME TO ATTEND MOST CONFERENCES...

"Construct Canada '88" workshops have been carefully planned to meet the busy schedules of the construction executives, professionals and technicians.
You will be briefed quickly and efficiently by leading experts on the latest developments in construction markets, technologies, legislation and management techniques.

EIGHT MAJOR THEME AREAS

Use the conference plan on the left to pick the theme areas of most interest to you and your staff.

A. **Financing and Real Estate Development Trends (May 31, June 1).** Construction financing innovations. The outlook for commercial, retail and industrial development.

B. **Relationships Between the Architect, the Consulting Engineer, the Contractor and the Owner (May 31, June 1).** Two issues will be examined in detail: extras and changes, and building commissioning.

C. **Innovations in Structural and Architectural Products, Materials, Systems and Technologies (May 31, June 1, June 2).** The latest in technological advancement in concrete, steel, plastics, wood, roofing, mechanical and electrical systems. Intelligent buildings and future building design will be examined. A special presentation on the potential application of SkyDome technologies in construction.

D. **The Construction Design and Management Process (May 31, June 1).** Focus on four topics: efficient job planning and materials handling, communicating between the site and the office, the trend towards design/build firms, and computerization of construction design.

E. **Construction Law Seminar (June 2nd).** Six legal experts will address construction claims and litigation, construction liens, soil claims, and the responsibilities of architects, engineers and contractors in design build.

F. **Export Seminar: Strategies for Construction Services and Products (June 2nd).** How architects, consulting engineers, contractors and manufacturers can take advantage of market opportunities in the Pacific Rim, Latin America and the Middle East.

G. **The Building Envelope, Air Quality and Energy Management (June 2nd).** Technical sessions on air vapour barriers, air quality and energy management issues. The potential for building envelope standards will be examined.

Other Issues and Trends That Will be Examined:

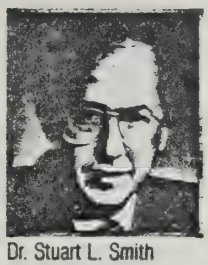
- Determining the feasibility of renovation projects (May 31)
- Health and safety, and workers' compensation (June 1)
- Billion dollar projects: a close-up look on the Fix Link and the Eurotunnel (June 1)
- The impact of pay equity legislation (June 2)
- The growth of prefabrication in construction (June 2)
- A proposed Building Industry Centre for Ontario (June 2)

Special Presentation:
Construction in space: an exciting, technical look at the Canadian space station program and the implications for the construction industry (June 1)


Stephen Angus


Hon. Chaviva Hosek


John Kettle


Dr. Stuart L. Smith

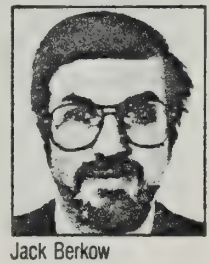

Walter Pierce


Hon. Jean Chrétien


Donald Fullerton


Michael Allen


Edward Balys


Jack Berkow


Gordon Betts


David I. Bristow


Lloyd Cadsby


John Chandler

A CLOSE-UP LOOK AT THE

TUESDAY

8:00 a.m.

REGISTRATION OPENS
Coffee and tea — Outside Hall A, Grand Ballroom

9:30 a.m.

PLENARY SESSION — Hall A, Grand Ballroom

Welcome & Greetings

- Stephen Angus, executive vice-president, Dominion Bridge, and conference chairman

Opening Remarks

- Hon. Chaviva Hosek, Minister of Housing, responsible for the Building Industry Strategy

Keynote Address: What Lies Ahead for the 1990's

- Noted futurist John Kettle

Featured Presentations:

The Canadian and International Economic Outlook and its Implication for Building Construction.

- Robert A. Jenness, senior policy advisor, Economic Council of Canada

Canadian Technological Trends and Their Implications for The Building Construction Industry

- Dr. Stuart Smith, president, RockCliffe Research and Technology Inc. and former chairman of the Science Council of Canada

The Changing Interaction Between the Developer, the Contractor and the Suppliers in Today's Environment

- Walter S. Pierce, president and chief operating officer, BCE Development Corp., Vancouver

12: noon

PRE-LUNCHEON RECEPTION — Exhibit Floor

1:00 p.m.

LUNCHEON — Room 107

Featured Speaker:

- R. Donald Fullerton, chairman of the board and chief executive officer, Canadian Imperial Bank of Commerce

2:30 p.m.

CONCURRENT WORKSHOPS

Topic A1 — Rooms 205C/205D

Emerging Construction and Development Financing Trends

A look at trends in capital markets, the changing nature of Canadian financial institutions, and the resulting implications for development and construction financing.
Among the issues discussed: the "Big Bang" and what it means to construction financing; the impact of emerging sources of capital on real estate development; recent trends in the securities and bond markets; new trends in development financing strategies; tax reform and its impacts on construction projects.

Moderator:

- John Macdonald, vice-president & treasurer, Cadillac Fairview Corp.

Speakers:

- Phil Rafuse, vice-president, real estate banking, Royal Bank of Canada
- Jim Dysart, vice-president, eastern real estate, National Bank
- Jim Wright, vice-president, corporate real estate, Citibank (invited).
- Steve Iczkovitz, Borden Elliott

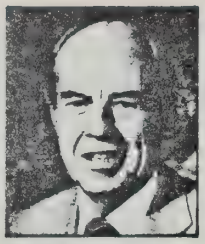
Topic B1 — Rooms 206C/206D

Extras and Changes: A Curse or A Blessing?

An examination of the growing trends in extras and change orders on construction projects, and the implications for the

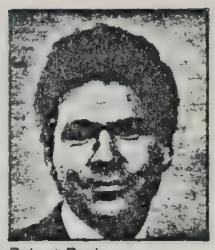

Glenn Cohen


Samuel Craig


William Dawson

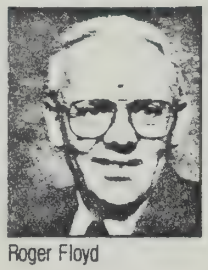

Colin Davidson


Guy Desbarats

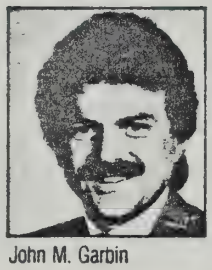

Robert Dyck

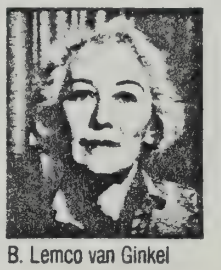

Vella Ehvert

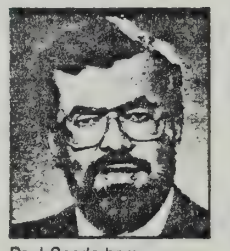

John Fennell


Roger Floyd


David Frame


John M. Garbin


B. Lemco van Ginkel


Paul Gooderham


James Hibben

CONFERENCE PROGRAM

MAY 31st

consulting engineer, the contractor and the owner. Discussion will be defining "extras" or "deletions"; obtaining consent and authorization – who has authority?; coping with scheduling problems; documenting changes – time, money and mutual understanding; protecting your interest – when does a contract need to be amended, and how; legal implications.

Moderator:
- Mark Doyle, Toronto branch manager, Revay & Associates

Speakers:
- Jan Malchers, president, F.E.L. Consultants
- Norman H. Matthews, president, Petro-Chem Construction Consultants Ltd.
- Theo Hoeschler, partner and vice-president, Niagara Mechanical Contractors
- Lloyd Cadsby, partner, Lang Michener Lash Johnston

Topic C1 Rooms 206E/206F

What Will the New Building In The Year 2000 Look Like?

A presentation on the materials, products, systems, technologies and other features of the prototypical office and industrial building in the year 2000. What will be the likely needs and expectations of tomorrow's industrial, commercial and retail tenant and the consumer? What are some of the major emerging technological trends? When will they likely be coming onto the marketplace? What will be the likely design implications of all these factors?

Moderator:
- Blanche van Ginkel, professor, School of Architecture, University of Toronto

Speakers:
- Don Schmitt, architect and partner, A.J. Diamond & Associates
- Bob Besant, head, department of mechanical engineering, University of Saskatchewan
- Tom Bowling, researcher, Bell/Northern Research
- Kal Ruberg, researcher, Institute for Research in Construction, National Research Council

Topic D1 Rooms 205A/205B

Construction Planning and On-Site Productivity Improvement to Achieve Savings.

A presentation on opportunities and techniques for achieving savings of 20-30% during the pre-construction phase and an additional 5% or more on the site. The discussion will cover project delivery systems, job planning and supervision, motivation, safety, and relationships between labour, contractors and project managers.

Speakers:
- Bill Dawson, president, Descon International Ltd.
- Kerry O'Brien, president, K. O'Brien & Associates
- Dr. John Borcherding, professor of civil engineering, University of Texas
- Ed Balys, senior vice-president, Concordia Management

Special Workshop: W1 Room 206A/206B

How to Determine the Feasibility Of A Renovation, Conversion, Change of Use or Restoration Project

A look at the criteria for evaluating the feasibility of a commercial or residential renovation or conversion project; risks involved in renovation; the challenges of financing, leasing and managing renovated propertie; and how to tap the growing market for restoring older and historic properties.

Moderator:
- John Fennell, editor, Canadian Building and Building Renovation magazines

Speakers:
- Bill Strong, architect & partner, Strong & Associates
- Robert Isenberg, president, Intra Urban Properties
- Jeff Sokol, sales estimator, Hogan Restoration Limited
- Mark Denhez, lawyer & president, Historic Ottawa Development Inc.

4:30 p.m.

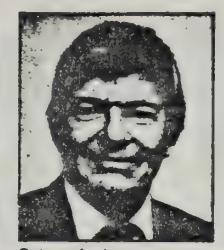
RECEPTION: MEET AND MIX Exhibit Hall, Upper Level

7:00 p.m.

RECEPTION ENDS.


Sandi Humphrey


Steve Iczkovitz


Robert A. Jenness


Gunnar Juuse


Aubrey Kauffman


Chand Khanna


Jeremy Kon

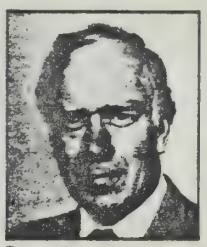

George MacDonell


Barry Martin


Norman Matthews


Len McLeod


Jan M. Melchers


Frank Miller


Walter Miller

WEDNESDAY

8:00 a.m.

REGISTRATION OPENS
Coffee and tea — Outside Rooms 205 and 206

9:00 a.m.

CONCURRENT WORKSHOPS

Topic A2/A3/A4 — Rooms 205C/205D
Market Trends, Opportunities and Outlook

A look at the prospects for office, retail and industrial development in major Canadian market areas. The discussions will conclude with an examination of market strategies and opportunities for developers, contractors and design professionals.

Commercial (9:00 a.m. to 10:30 a.m.)
- Chris Ridabock, vice-president, J.J. Barnicke Ltd.
- Ed O'Neill, executive vice-president, Eastern Construction (invited)
- Donald Padgett, real estate analyst, Burns Fry
- Bill Moore, senior vice-president, Ontario, Royal Lepage Commercial Real Estate Services

Retail (11:00 a.m. to 12:30 p.m.)
- John Winter, retail analyst, Clayton Research Associates
- Gordon Harris, senior leasing representative, Cambridge Leaseholds (invited)
- Bruce Pattison, president, B. Pattison & Associates

Industrial (2:00 p.m. to 4:00 p.m.)
- Robert Mackay, president, Inducon Development Corporation
- Peter Mason, president, Peter L. Mason Realtor
- Samuel Craig, senior vice-president, industrial division, Cadillac Fairview Corp. Ltd.

Topics B2/B3 — Rooms 206C/206D
The Commissioning Era in Building Construction

A three hour workshop on Building Commissioning and the increasing challenges resulting from technological advances in the design and construction of buildings and their various systems.
Issues that will be covered include: completing deficiencies and defaults; submission of final project documentation; testing of systems; and instruction of the owner's maintenance staff. The issue will be examined from the perspective of the role of the consulting engineer, the specifier, the contractor, the owner/user, and the regulator.

Moderator:
- Nick Thurston, principal Thurston Advisory Services Inc.

Speakers:
- Gerry Granek, principal, ECE Group Ltd., Consulting Engineers, Toronto
- Walter Miller, vice-president and general manager, Canada, Rolf Jensen & Associates
- Wayne Watson, W2 Consultants, specializing in master specification system and building science evaluation
- Martin Sullivan, senior mechanical coordinator, Ellis-Don Limited
- Mayor Hazel McCallion, City of Mississauga (invited)

Topic C2 — Rooms 206E/206F
Structural Elements in Construction: Issues and Innovation

A look at developments in concrete and steel products and materials, their potential applications and usage in both interiors and exteriors, and their implications for future building design and the construction process.

Moderator:
- Gunnar Juuse, manager, structural engineering, Giffels Associates Ltd.

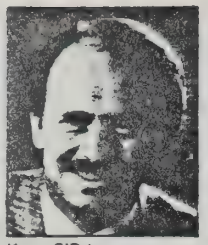
Speakers:
- Pat Quinn, structural engineer, Quinn Dressel Associates
- Keith Ritchie, consultant and author, Canadian Institute for Steel Construction
- Victor Perry, Ontario regional manager, Portland Cement Association

Topic D2 — Rooms 205A/205B
The Continuing Evolution of Design/Build Firms: Problems and Opportunities

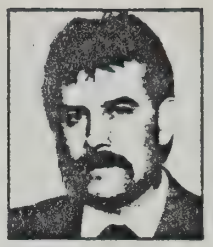
A look at the evolution of traditional architectural and engineering practices into project managers, construction managers and full service design/build firms. Just as architects are

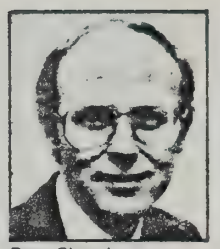

Louis Milrad


Bill Moore


Kerry O'Brien


Jean Claude Perrault

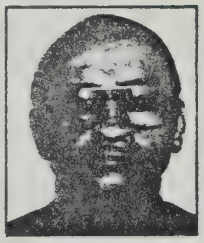

Vic Perry


Peter Piersol


Dr. G. R. Podrebarac


Patrick Quinn


Rick Quirouette


Gyan Rajhans


Donald Ritchie


J. Keith Ritchie


Rod Robbie


Kalev Ruberg

JUNE 1st

becoming more acquainted with costs and scheduling, some contractors are venturing into design services. What are the implications for design/contractual responsibility, extending warranties, and liabilities? Do these opportunities exist for every architect, consulting engineer and contractor?

Moderator:
- Andrew Zsolt Jr., realty consultant, Coldwell Banker Canada

Speakers:
- Joe Watson, vice-president, Inducon Development Corp.
- Jeremy Kon, president and general manager, UMA Spantec Ltd.

Special Workshop: W2 Rooms 206A/206B

Case Study: The Eurotunnel

A detailed presentation on the design of and the technologies being used in the tunnel under construction which will connect England and France across the English Channel. This spectacular project is due to be completed by 1993.

Speaker:
- D.A. Staines, project director, Transmanche Link.

10:30 a.m.

Coffee and Tea Outside Rooms 205 and 206

11:00 a.m.

CONCURRENT WORKSHOPS

Topic A3 Rooms 205C/205D

Retail Development Trends

See Topic A2 9:00 a.m.

Topic B3 Rooms 206C/206D

Commissioning of Buildings

Continues from 9:00 a.m.

Topic C3 Rooms 206E/206F

Plastics, Petrochemical and Other Architectural Innovations for Construction

A presentation on light transmitting plastics, foam plastics, vinyl products and reinforced plastics and composites; discussion of different construction products within the sectors, their benefits and uses, typical and innovative applications, their relation to the Building Code, and role in renovation.

Moderator:
- Dr. Fred Edgecombe, technical director, Society of the Plastics Industry

Speakers:
- John Siemans, product manager, Chemacryl Plastics Ltd.
- Leon Yeshin, marketing manager, B.F. Goodrich Canada Inc.
- Bill Suffern, senior design specialist, Fiberglas Canada Inc.

Topic D3 Rooms 205/205B

Management Information Systems in Construction: Communicating Between the Office and the Site

The impact of computerization and telecommunications systems on construction management, construction communications and construction documentation, e.g. integrated management information systems, facsimile machines, the Canadian Construction Information System. The legal implications of the use of these technologies will also be discussed.

Moderator:
- Lorna Tardif, senior consultant, Revay & Associates, Montreal

Speakers:
- Guy Desbarats, president, Canadian Construction Information Systems Limited
- Professor Colin Davidson, professor, School of Architecture, University of Montreal
- Louis Milrad, partner, Goodman & Carr

Special Workshop: W3 Rooms 206A/206B

Case Study: The Northumberland Strait Crossing

An indepth look at the Fixlink project connecting New Brunswick and Prince Edward Island. What are the technological issues and how will they be addressed.

Workshop leader:
- Jim Feltham, project manager, Public Works, Canada

12:30 p.m.

BUSINESS LUNCHEON Exhibit Hall, Upper Level

Lunch will be served in the exhibit area. Your chance to see the products and meet the exhibitors

Wednesday continues overleaf

WEDNESDAY AFTERNOON

2:00 p.m.

CONCURRENT WORKSHOPS

Topic A4 Rooms 205C/205D

Industrial Development Trends

See Topic A2 9:00 a.m.

Topic C4 Rooms 206E/206F

Innovation in Electrical and Mechanical Systems: The Intelligent Building

A look at the "intelligent building" and the evolution of innovative electrical and mechanical systems for commercial and industrial construction applications.

Moderator:
- Vello Ehvert, partner, Velar Data Systems

Speakers:
- Nick Stark, partner, H.H. Angus & Associates
- Paul Gooderham, vice-president of marketing, Ainsworth Electric Co. Ltd.
- Dale Struthers, national marketing manager, Johnson-Controls Ltd.

Topic D4 Rooms 205A/205B

Computerization in the Design, Specification and Project Management

A presentation on the application of computerized technologies on the design and specification process; facilities management, space planning; project management and administration. How to determine the appropriate system for your needs.

Speakers:
- A group of speakers including Marcus Scoler, partner, Scoler Gluck & Associates

Special Workshop: W4 Rooms 206A/206B

Health and Safety Issues, Costs and Trends in Workers' Compensation

This workshop will examine the subject and issues from the perspective of the contractor.
Discussion will cover health and safety legislation and a look at the implications of important trends in the Workers' Compensation Board for the construction industry, e.g. the Construction Integrated Services Unit, CAD-7 experience rating.

Moderator:
- George MacDonell, president, Council of Ontario Construction Associations

Speakers:
- Alan Wolfson, vice-chairman of administration and president, Workers' Compensation Board
- Dominic Sullivan, secretary-treasurer, M. Sullivan & Son

Special Presentation:
Construction in Space Rooms 206C/206D

A unique, two hour presentation and an inside look at the Canadian Space Station Program, the potential and opportunities for building in space, and the implications for the construction industry.

Speaker:
- James Middleton, program manager, Canadian Space Station Program

4:00 p.m.

RECEPTION Exhibit Hall, Upper Level

7:00 p.m.

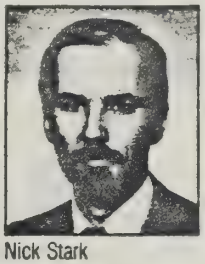
RECEPTION ENDS


H.E. Saint-Amour


Donald Schmitt


Susan Shaw


John Siemens


Nick Stark


Steven Stieber

8:00 a.m.

REGISTRATION OPENS
Coffee and tea

9:00 a.m.

CONCURRENT WORKSHOPS

Topic C5 Rooms 206E/206F

Parallam and Other Developments in Wood Products

A presentation on Technological developments in wood systems for non-residential construction purposes. A special presentation on Parallam: a major breakthrough in construction wood products by Macmillan Bloedel. The Canadian inventors of Parallam recently received the Wallenburg Award from the King of Sweden in recognition of their innovation.

Moderator:
- Dr. David Tay, senior principal, project director, Morrison Hershfield Limited

Speakers:
- A senior member of the Macmillan Bloedel Parallam team
- Eric Jones, director of structural design, Canadian Wood Council

Topic E1/E2/E3 Rooms 205C/205D

The Construction Law Seminar (all day)

1. **Recent Developments With The Construction Lien Act (9:00 a.m. to 10:30 a.m.)**
   The rights and obligations of contractors and subcontractors under the Construction Lien Act; rights and obligations of owners and mortgagees and others under the Construction Lien Act.
2. **Alternative Methods of Dispute Resolution (11:00 a.m. to 12:30 p.m.)**
   Planning to avoid disputes, identifying rights to be protected and obligations to meet, resistance to arbitration, and construction issues in the courts
3. **Responsibilities of Architects and Engineers, Soil Claims and Other Current Issues (2:30 p.m. to 4:30 p.m.)**
   The responsibilities of architects, engineers and contractors in design/build.
   The trend in soil claims.

Moderator and Speaker:
- Jack Berkow, Lyons Goodman Iacono Smith Berkow


Dale Struthers


Dominic Sullivan


Martin Sullivan


Lorna Tardiff

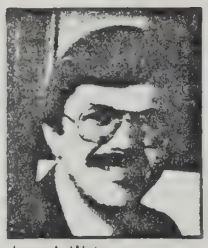

Robert Tamblyn


Dr. David Tay


Nick Thurston


Philip Uglow


Douglas Walkinshaw


Joseph Watson


Ken Whiteside


Alan Wolfson


Walter Woloshyn


Andrew Zsolt

THURSDAY, JUNE 2nd

Speakers:
- Aubrey Kauffman, Goodman & Carr
- Glenn C. Cohen, Lyons Goodman Iacono Smith Berkow
- David Bristow, Bristow Gilgan & Glaholt
- Gordon Betts, Cassels Brock & Blackwell
- Stephen Steiber, Atlin Goldenberg

Topic F1/F2/F3 Rooms 206C/206D

Stratagies for Exporting Construction Services & Products: Problems or Opportunities (all day)

An examination of the opportunities for the construction professional, contractor and manufacturer in three major market regions: the Middle East and Africa; Latin America and the Carribean; Japan, China and the Pacific Rim.
Presentors include Canadian firms and leading export consultants who will discuss their experiences, and how they tackled commonly associated problems with the export of major capital projects and products, e.g. identifying and understanding your market opportunity; planning and managing your export project; consortia formation; cross-consortia liability; financing; export regulations; and how to use Canadian export services and resources.

Workshop Chairman:

- Hon. Frank Miller, chairman, Ontario International Corporation

The Middle East and Africa (9:00 a.m. to 10:30 a.m.)
- Boris Zerafa, architect and partner, Webb Zerafa will lead a group of experts on opportunities in this international region.

Latin America and the Caribbean (11:00 a.m. to 12:30 p.m.)
- Jeremy Fox, partner, Fox Jones & Associates
- John Morton, president and general manager, E.G.M. Cape & Co. Ltd.
- Lynne Allen, export consultant, Building Industry Strategy Board

Japan, China and the Pacific Rim (2:30 p.m. to 4:30 p.m.)

This session will be led by export consultant Philip Allanson and George Amarica, president, Amplus International Trade and Investment Corp., two of the leading experts on export opportunities in this region.

Topic G1/G2 Rooms 205A/205B

Air Vapour Barriers and The Building Envelope

An examination of common issues: the difference between a vapour barrier and an air barrier; air pressure loads within the building envelope; air leakage paths; and the air permeability of materials. The session will end with a discussion of the potential development and application of building envelope standards.

Panel Moderator:
- John Garbin, national sales manager, Dryvit Systems Ltd.

Speakers:
- Rick Quirrotte, Morrison Hershfield, Ottawa
- Prof. Paul Sandori, Department of Architecture, University of Toronto and president, Ontario Building Envelope Council
- Jean Claude Perrault, president, Perrault Hansen Building Technologies, Edmonton
- Doug Fishburn, president, Fishburn Thermography Group
- Donald Ritchie, partner, Bregman & Hamann

Special Workshop: W5 Rooms 206A/206B

A Building Industy Centre for Ontario

The first public presentation of the results of a feasibility study on the establishment of a Building Industry Centre that will serve the informational and marketing needs of the building construction industry in Ontario and across Canada.
Among the questions the presentation will answer: what would such a centre look like? how would it operate? how would it affect the firms, professionals and associations in the industry?

Speakers:
- George Cowl, vice-chairman Building Industry Strategy Board
- Peter Barnard, vice-president and regional general manager, Cresap, director of the feasibility study.

10:30 a.m.

Coffee and tea

11:00 a.m.

CONCURRENT WORKSHOPS

Topic C6 Rooms 206E/206F

Thursday continued overleaf

THURSDAY (continued)

11:00 a.m.

The Evolution of Roofing Technologies

A presentation on trends and innovations in roofing products and technologies for commercial, industrial and residential high-rise applications, e.g. metal roofs.

Moderator:
- Mr. H. St. Amour, technical manager, Canadian Roofing Contractors Association.

Speakers:
- Ken Whiteside, roofing coordinator, Riddell Sheet Metal and Roofing Ltd.
- James Hibben, president, Dean Chandler Co. Ltd.
- Phil Uglow, president, U-flow Inc.

Topic E2 — Rooms 205C/205D
Construction Law

Continues from 9:00 a.m.

Topic F2 — Rooms 206C/206D
Export Strategies

Continues from 9:00 a.m.

Topic G2 — Rooms 205A/205B
Air Vapour Barriers/Building Envelope

Continues from 9:00 a.m.

Special Workshop: W6 — Rooms 206A/206B
Pay Equity and Its Impact on Contractors, Architects, Engineers and the Construction Industry

With the recent enactment of legislation in Ontario, pay equity is now a subject that affects all firms in the building construction industry. This workshop will examine the pay equity issue, the experience in other Provinces and the implications of the provincial legislation for contractors and construction professionals.

Moderator:
- David Frame, executive vice-president, Council of Ontario Construction Associations

Speakers:
- Jo-anne Stead, pay equity coordinator, Canadian Construction Association
- Sandi Humphrey, former chairman of the Pay Equity Committee of COCA
- Susan Shaw, lawyer, Borden Elliott
- Dr. George Podrebarac, deputy minister responsible for pay equity, Government of Ontario

12:30 p.m.

RECEPTION — Grand Ballroom Foyer

1:00 p.m.

LUNCHEON — Room 106

Featured Speaker:
- The Honourable Jean Chrétien. A former senior federal Cabinet minister, Mr. Chrétien will discuss the social, political, economic and international challenges faced by the Canadian building construction industry.

2:30 p.m.

CONCURRENT WORKSHOPS

Topic E3 — Rooms 205C/205D
Construction Law

Continues from 9:00 a.m.

Topic F3 — Rooms 206C/206D
Export Strategies

Continues from 9:00 a.m.

Topic G3 — Rooms 205A/205B
Technical Seminar: Air Quality and Energy Management

A look at the issues of air quality and energy management, their associated regulatory environment, and how the issues are being addressed in the design and operational management of commercial and industrial buildings.

Moderator:
- Peter Piersol, manager, Occupational Health Section, Ontario Research Foundation

Speakers:
- Dr. Doug Walkinshaw, coordinator, air quality, Institute for Research in Construction, National Research Council
- Robert Tamblyn, chairman, Engineering Interface
- John Chandler, principal consultant, Concord Scientific
- Gyan Rajhans, principal occupational hygiene advisor, Health & Safety Support Services Branch, Ministry of Labour

Special Workshop C7 — Rooms 206E/206F
The SkyDome: How the Technological Challenges Have Been Met

A presentation of the SkyDome from the following perspectives: a view of the Owner/Contractor/Consultant relationship in a complex design build fast track project; an explanation of the design from conception through working drawings; a presentation on the design and construction of the structural steel roof and movement mechanism; and a description of other unique aspects of the project.

Panel Moderator:
- Roger Floyd, president, R.P.A. Consultants Ltd.

Speakers:
- Walter Woloshyn, senior project manager, Ellis-Don Limited
- Rodderick Robbie, principal, Robbie Architects Inc.
- Michael Allen, principal, Adjeleian Allen Rubelli Ltd., Consulting Engineers
- David Lane, project manager, Dominion Bridge, Ontario
- Leonard MacLeod, construction manager, Ellis-Don Limited

Special Workshop: W7 — Rooms 205A/205B
Assembly vs. Finishing: The Trend Towards Prefabrication

A look at the growing trend towards off-site production of building components and its implications for construction planning, management, on-site operations and building commissioning.

Moderator:
- Bill Evoy, general manager, building, H.H. Robertson

Speakers:
- Chand Kanna, sales manager, Canada, Stran Buildings
- Barry Martin, president, B.H. Martin & Associates
- Robert Dyck, architect, Cambridge, Ontario

THURSDAY ENDS

4:30 p.m.
RECEPTION

Exhibit Hall, Upper Level

7:00 p.m.
RECEPTION ENDS

REGISTER EARLY AND SAVE $50! LESS THAN HALF THE PRICE OF SIMILAR EVENTS!

Full registration before April 15th:	$325
Full registration after April 15th:	$375
Single day registrations:	$160
Single tickets for each workshop:	$55
Single luncheon tickets (May 31st or June 2nd):	$35

Full registration includes:

- three luncheons
- delegates' kit and binder
- admission to trade show
- coffee breaks
- admission to all workshops
- free tickets to all receptions

TWO CONVENIENT WAYS TO REGISTER

1. Mail back registration form or
2. Phone-in your registration to (416) 364-8887

Payments options:

- Cheque/money order made payable to "Construct Canada '88"

or

- Use your Mastercard or VISA

METRO TORONTO CONVENTION CENTRE: A WORLD CLASS FACILITY...

Opened in 1984, the Centre has established a reputation as an outstanding exposition and conference facility – an ideal environment for "Construct Canada '88".

...RIGHT NEXT DOOR TO THE SKYDOME

With the SkyDome due to open in the spring of 1989, visitors to "Construct Canada '88" will have a first hand look at the latest progress on this unique and spectacular stadium. Work on the sliding roof will be very visible.

ACCOMMODATION AT L'HOTEL

Part of the Metro Convention Centre complex, L'Hotel is renowned for its elegance and high quality service to the business travellor. Special bedroom rates are available for Construct Canada '88 delegates.

Please make your own arrangements by contacting:

L'Hotel
225 Front Street West
Toronto, Ontario
M5V 2X3

or call 1-800-268-9143 or (416) 597-1400.

Be sure to refer to Construct Canada '88 when you make your reservations.

FOR MORE INFORMATION

On either the conference or trade show, call (416) 447-5141.

A SPECIAL RESOURCE CENTRE

Construct Canada '88 will have a unique Resource Centre featuring:

- A Construction Law Clinic
- A Unique Information Centre on Government Regulations, Programs and Services for the Construction Industry

Your chance to ask questions and get the latest information in these areas.

CONFERENCE PLANNING COMMITTEE

Stephen F. Angus, executive vice president, Amca International, Committee Chairman
George MacDonell, president, Council of Ontario Construction Associations, Committee Vice-chairman
Jack Berkow, partner, Lyons Goodman Iacono Smith & Berkow
Cliff Bulmer
Mark Doyle, Toronto branch manager, Revay & Associates
Barry Eon, Toronto Construction Association
Roger Floyd, president, R.P.A. Consultants Limited
John Garbin, national sales manager, Dryvit Systems Ltd.
Temple Harris, Toronto Construction Association
Walter Woloshyn, project manager, Ellis-Don

George Przybylowski, conference manager
Jacqueline Peake, conference coordinator
Paul Newdick, Exposition Marketing International

CO-SPONSORS

The Toronto Construction Association is the primary sponsor of "Construct Canada '88". The following are some of the agencies and associations that have assisted with the planning and/or promotion of this event:

Acoustical Association of Ontario
American Institute of Constructors
Appraisal Institute of Canada-Ontario Association
Architectural Glass & Metal Contractors Association
Architectural Millworkers of Ontario
Association of Architectural Technologists of Ontario
Association of Ontario Land Economists
Association of Millwrighting Contractors of Ontario Inc.
Association of Professional Engineers (Ontario)
Barrie Construction Association
Builders Hardware Manufacturers Association
Canadian Association of Equipment Distributors Ontario Group
Canadian Automatic Sprinkler Association
Canadian Electrical Contractors Association
Canadian Fire Safety Association
Canadian General Standards Board
Canadian Hardware/Houseware Manufacturers Association
Canadian Heat Exchangers and Vessel Manufacturers' Association
Canadian Institute of Plumbing and Heating
Canadian Institute of Public Real Estate Companies
Canadian Institute of Steel Construction
Canadian Manufactured Housing Institute
Canadian Portland Cement Association (Ontario)
Canadian Retail Hardware Association
Canadian Sheet & Steel Building Institute
Canadian Steel Construction Council
Canadian Steel Door & Frame Manufacturers' Association
Canadian Window & Door Manufacturers Association
Canadian Wood Council
Chatham Builders Exchange
Clay Brick Association of Canada
Construction Management Institute
Construction Owners Council of Ontario
Construction Safety Association of Ontario
Construction Specifications Canada
Consulting Engineers of Ontario
Council of Ontario Construction Associations
Durham Construction Association
Grand Valley Construction Association
Gypsum Manufacturers of Canada
Hamilton Construction Association
Insulated Glass Manufacturers Association of Canada
Kingston Construction Association
London & District Construction Association
Lumber & Building Materials Association of Ontario
Masonry Contractors Association of Toronto
Mechanical Contractors Association of Toronto
Mechanical Contractors Association of Ontario
Metro Toronto Apartment Builders Association
National Concrete Producers Association
National Elevator/Escalator Association
Niagara Construction Association
Ontario Building Officials Association
Ontario Concrete Block Association
Ontario General Contractors Association
Ontario Industrial Roofing Contractors Association
Ontario Lumber Manufacturers Association
Ontario Painting Contractors Association
Ontario Professional Planners Institute
Ontario Sewer and Watermain Association
Ontario Sheet Metal & Air Handling Group
Orillia & District Construction Association
Ottawa Construction Association
Peterborough District Construction Exchange
Quinte Construction Association
Reinforcing Steel Institute of Ontario
Residential Roofing Contractors Association of Metro Toronto
Sarnia Construction Association
Sault Ste. Marie Construction Association
Society of Plastics Industry of Canada
Sudbury Construction Association
Terrazzo Tile & Marble Association of Canada
Thermal Insulation Association of Canada
Toronto Home Builders' Association
Urban Development Institute
Waterboard Association
Windsor Construction Association

FOR ACTION

3.

APR 2 2 1988

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: April 21, 1988
COMM FILE:
DEPT FILE: 22.20.1

SUBJECT:

Re-Opening of Ruth Street from Clinton Street to the Railway Tracks

RECOMMENDATION

That the owner of 150 Princess Street be advised that it is not feasible to re-open Ruth Street from Clinton Street to the Railway tracks at this time.

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

On January 6, 1988 Mr. A. Gow, 150 Princess Street forwarded a letter to the Planning & Development Committee requesting that Ruth Street from Clinton Street to the Railway tracks be re-opened to allow him easier access from his business onto a truck route. This letter was forwarded to our department for circularization to various departments for their comments.

BACKGROUND - Continued...

It is recommended that this road not be re-opened because:

(1) a park is to be developed on the Hamilton Foundry site and the introduction of industrial traffic into this residential area would create undesirable land use conflicts adjacent to the Park where young children will be playing. Industrial through traffic would create safety problems.

(2) the traffic by-law requires that heavy vehicles proceed directly to the nearest truck route, and since G.W. Gow Limited is located closer to Sherman Avenue North than Barton Street East, heavy traffic would still be required to use this route, even if Ruth Street was re-opened.

Attach.

c.c. - Alderman P. Valeriano

- Alderman B. Hinkley

- Mr. V.J. Abraham, Director, Local Planning

- Mr. M. Main, Director of Traffic Services

- Mr. J. Pavelka, Director of Public Works
  Attention: Mr. R. Nutley, Manager, Parks Division

K
K
K
PRINCESS ST
PRINCESS STREET
NORTH SHERMAN AVENUE
CLINTON STREET
D
CASE
G-3
H
BARTON STREET
H/S-631
H/S-579a
S-579
H
H
EAST BARTON STREET
H
SOLICAPHOSE PLACE
EDWARD STREET
C
BEECHWOOD AVENUE
ROSEMONT AVENUE
SOMERSET AVENUE
A/S-683a
A
CANNON STREET
C
EAST CANNON STREET
SENATOR AVENUE
WILSON STREET
SHERMAN AVENUE SOUTH
G-3
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FOR ACTION

MAY 4 1988

4.

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: May 4, 1988
COMM FILE: 100.11.118
DEPT FILE: (4505)

SUBJECT:

Purchase by the City - 25 Gerrard Street - Joseph Rawski

RECOMMENDATION

That an Option to Purchase the property at 25 Gerrard Street by Joseph Rawski on May 3, 1988 and scheduled to close on or before August 19, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 5.79 metres (19 feet) by a depth of 30.48 metres (100 feet) containing an area of 176.51 square metres (1,900 square feet), together with all structures erected thereon. The purchase price of $57,500.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

FINANCIAL IMPLICATIONS

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND

We attach hereto an Option to Purchase from Joseph Rawski for the purchase by the City of part of Lots 47 and 48, Plan 471 having a frontage on the north side of Gerrard Street of 5.79 metres (19 feet) by a depth of 30.48 metres (100 feet) containing an area of 176.51 square metres (1,900 square feet) together with all structures erected thereon and known as municipal number 25 Gerrard Street, Hamilton, Ontario for the sum of $57,500.00.

Attach.
c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Swan, Manager, Property Maintenance Division
- Mr. P. Kuppe, Building Commissioner Attn: Monica German

5.

FOR ACTION

MAY 4 1988

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: April 28, 1988
COMM FILE:
DEPT FILE: (2738)

SUBJECT:

City Sale - Lot 38, Plan M-227 - Hamilton Industrial Park #1 to William Pickard and 441138 Ontario Ltd. and William Castle

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on September 23, 1987 by the Purchasers, William Pickard and 441138 Ontario Ltd. and William Castle and approved by City Council on October 13, 1987, 19th Report of the Planning & Development Committee, Item #16 be amended as follows:-

1. The names of the purchasers be amended to William Pickard, 441138 Ontario Ltd., Aiden Tuite and Luigi Centurami

2. The closing date of this transaction be extended to June 7, 1988

3. Time is to remain of the essence of the agreement and all other terms and conditions of the agreement are to remain the same.

D.W. Vyce

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

Due to the recent death of William Castle, the two remaining partners found themselves financially unable to proceed with the purchase and development of their project. Two new partners, Aiden Tuite and Luigi Centurami have agreed to replace Mr. Castle's position and thus alleviating any potential financial problems.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

6a.

APR 28 1988

F O R A C T I O N

REPORT TO: S. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH,
COMMISSIONER OF ENGINEERING

DATE: 1988 April 22
COMM FILE:
DEPT FILE: S720-19
ID#0008

SUBJECT:

"TEMPLEMEAD GARDENS"
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of $10,000.00 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD GARDENS", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

G.G. Spencer
for J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

The cash amount that is to be included in the City Subdivision Agreement in lieu of the Subdivider dedicating 5% of the lands in the plan, has been calculated to be $10,000.00.

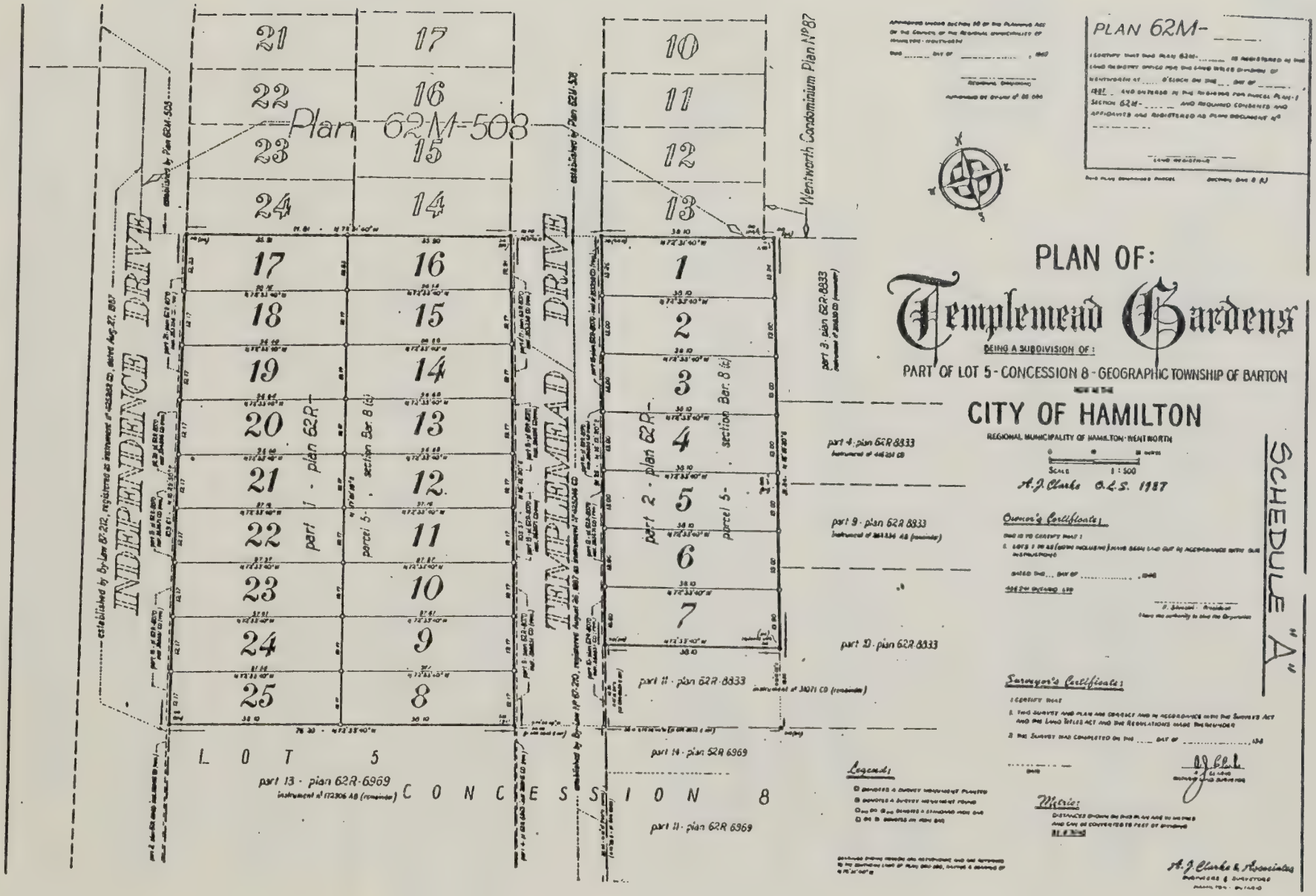
BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with the normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication, as provided for under Section 50 of the Planning Act.

Note: These lands are located west of Upper Ottawa Street and south of Stone Church Road in the Templemead Neighbourhood, Hamilton

DVC:sm


Plan 62M-508
INDEPENDENCE DRIVE
TEMPLEMEAD DRIVE
Wentworth Condominium Plan No 87
PLAN 62M-
PLAN OF:
Templemead Gardens
BEING A SUBDIVISION OF:
PART OF LOT 5 - CONCESSION 8 - GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCHEDULE "A"
A.J. Clarke O.L.S. 1987
Owner's Certificate:
Surveyor's Certificate:
Legend:
Metric:
A.J. Clarke & Associates
LOT 5
CONCESSION 8
part 1 - plan 62R-
part 2 - plan 62R-
part 3 - plan 62R-8833
part 4 - plan 62R-8833
part 9 - plan 62R-8833
part 10 - plan 62R-8833
part 11 - plan 62R-8833
part 14 - plan 62R-6969
part 13 - plan 62R-6969
part 11 - plan 62R-6969

6b.

APR 2 8 1988

F O R A C T I O N

REPORT TO: S. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH,
COMMISSIONER OF ENGINEERING

DATE: 1988 April 22
COMM FILE:
DEPT FILE: S715-18
ID#0008

SUBJECT:

"OAKLAND PARK EXTENSION NO. 5"
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of $2,820.00 as cash payment in lieu of 5% dedication in connection with "Oakland Park Extension No. 5", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

for J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

The cash amount that is to be included in the City Subdivision Agreement in lieu of the Subdivider dedicating 5% of the lands in the plan, has been calculated to be $2,820.00.

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication, as provided for under Section 50 of the Planning Act.

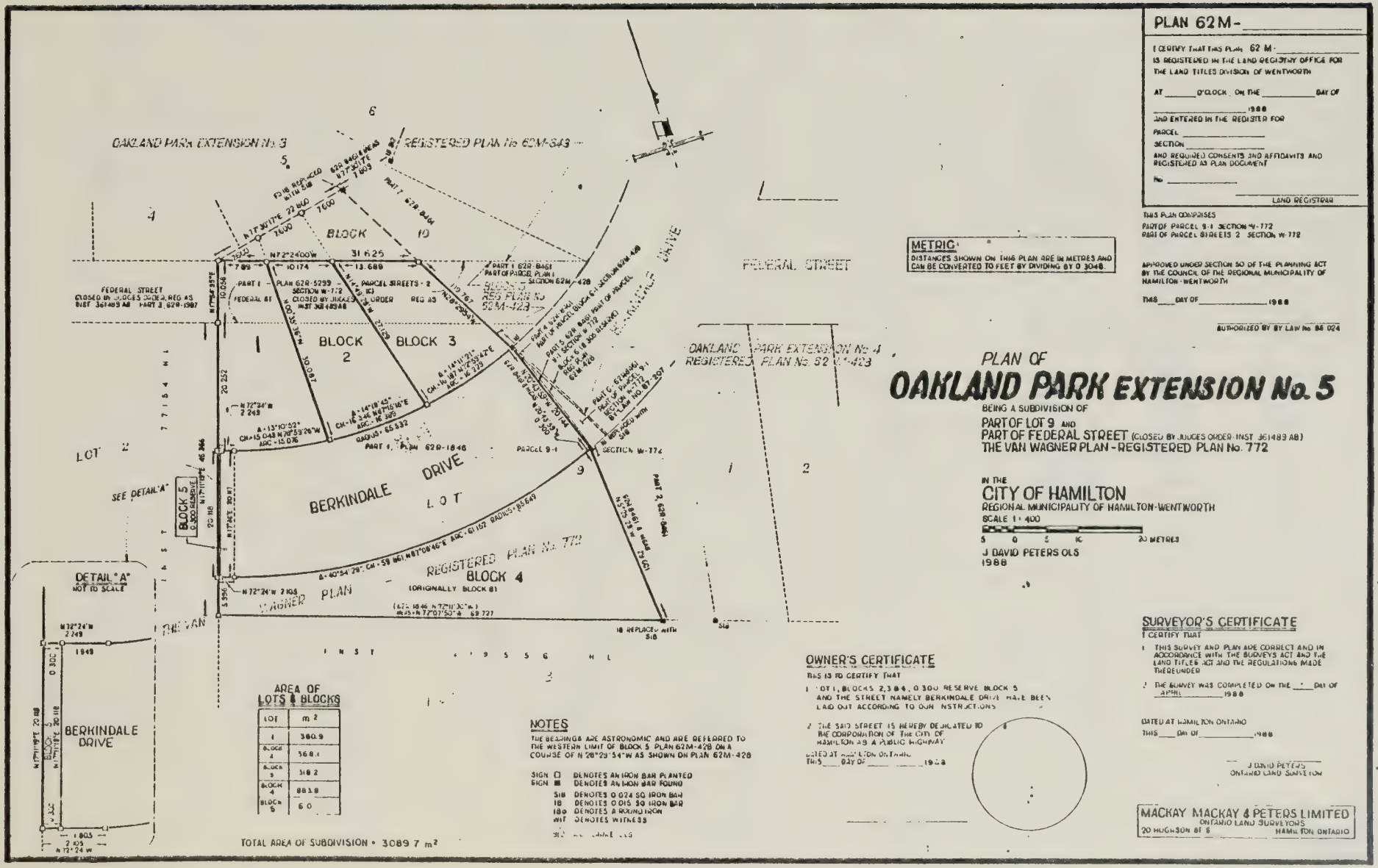
OAKLAND PARK EXTENSION NO.5"
(Cash Payment in Lieu of 5% Parkland Dedication)

Cont'd ....

Note: These lands are located west of Grays Road and south of Federal Street in the Riverdale East Neighbourhood, Hamilton.

DVC:sm
Attach.

cc: D. Consoli, City Treasury Dept.
cc: D. Powers, City Solicitor's Office


OAKLAND PARK EXTENSION No. 3
REGISTERED PLAN No. 62M-543
BLOCK 10
FEDERAL STREET
BLOCK 1
BLOCK 2
BLOCK 3
BERKINDALE DRIVE
LOT
BLOCK 4
(ORIGINALLY BLOCK 81)
REGISTERED PLAN No. 772
BLOCK 5
0.300 RESERVE
SEE DETAIL "A"
DETAIL "A"
NOT TO SCALE
BERKINDALE DRIVE
OAKLAND PARK EXTENSION No. 4
REGISTERED PLAN No. 62M-423
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
PLAN 62M-
PLAN OF
OAKLAND PARK EXTENSION No. 5
BEING A SUBDIVISION OF
PART OF LOT 9 AND
PART OF FEDERAL STREET (CLOSED BY JUDGES ORDER INST 361489 AB)
THE VAN WAGNER PLAN - REGISTERED PLAN No. 772
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 : 400
5 0 5 10 20 METRES
J DAVID PETERS OLS
1988
AREA OF LOTS & BLOCKS
LOT | m²
1 | 380.9
BLOCK 4 | 568.1
BLOCK 5 | 318.2
BLOCK 4 | 883.9
BLOCK 5 | 6.0
TOTAL AREA OF SUBDIVISION = 3089.7 m²
NOTES
THE BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF BLOCK 5 PLAN 62M-428 ON A COURSE OF N 28°29'54"W AS SHOWN ON PLAN 62M-428
SIGN □ DENOTES AN IRON BAR PLANTED
SIGN ■ DENOTES AN IRON BAR FOUND
SIB DENOTES 0.024 SQ IRON BAR
IB DENOTES 0.015 SQ IRON BAR
IBO DENOTES A ROUND IRON
WIT DENOTES WITNESS
OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT
1 LOT 1, BLOCKS 2, 3 & 4, 0.300 RESERVE BLOCK 5 AND THE STREET NAMELY BERKINDALE DRIVE HAVE BEEN LAID OUT ACCORDING TO OUR INSTRUCTIONS
2 THE SAID STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY
DATED AT HAMILTON ONTARIO
THIS ___ DAY OF _____ 1988
SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2 THE SURVEY WAS COMPLETED ON THE ___ DAY OF APRIL 1988
DATED AT HAMILTON ONTARIO
THIS ___ DAY OF _____ 1988
J DAVID PETERS
ONTARIO LAND SURVEYOR
MACKAY MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
20 HUGHSON ST S HAMILTON ONTARIO
PLAN 62M-
I CERTIFY THAT THIS PLAN 62M-
IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH
AT ___ O'CLOCK ON THE ___ DAY OF _____ 1988
AND ENTERED IN THE REGISTER FOR
PARCEL
SECTION
AND REQUIRED CONSENTS AND AFFIDAVITS AND REGISTERED AS PLAN DOCUMENT
No.
LAND REGISTRAR
THIS PLAN COMPRISES
PART OF PARCEL 9-1 SECTION W-772
PART OF PARCEL STREETS 2 SECTION W-772
APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
THIS ___ DAY OF _____ 1988
AUTHORIZED BY BY-LAW No. 86-024

SCHEDULE "A"

7.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 MAY 20
COMM FILE:
DEPT FILE: SA-85-09
25T-85017

SUBJECT

Request by the Solicitor for the owner to delete lands from the draft approved plan "DiGirgenti Court", proposed Lots 1 and 2.

RECOMMENDATION

That approval be given to delete the lands shown as the lands to be retained in Land Severance Application H-26-88 and to amend the draft approved plan of subdivision by the deletion of Lots 1 and 2, "DiGirgenti Court", under Regional File No. 25T-85017, City of Hamilton File No. SA-87-09, subject to the following conditions:

1. That the owner enter into a modified subdivision agreement which would cover the cost of services and the cost of the construction of the road (from Upper Paradise Road to the easterly rear lot line of the land proposed to be retained by Mrs. Digirgenti).

2. That the owner enter into the modified subdivision agreement prior to the revision of draft approval.

Explanatory Note

The purpose of the proposed amendment to the draft approved subdivision is to accommodate the consideration of an application by the Regional Land Division Committee for consent to convey two parcels of land fronting on Upper Paradise Road.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

OWNERS

Mrs. C. DiGirgenti, Hamilton, Ontario

AGENT

T. Doyle, c/o Paquette Real Estate, Hamilton, Ontario

SURVEYOR

J. D. Peters. O.L.S., Hamilton, Ontario

LOCATION

The lands, comprising 0.6 ha, are located on the east side of Upper Paradise Road north of the future Mountain Freeway, City of Hamilton.

HISTORY

The proposed plan of subdivision was received on June 20, 1985, subsequently approved by Regional Council on January 21, 1986, and was amended as approved by Regional Council on April 7, 1987.

PROPOSAL

The solicitor of Mrs. C. DiGirgenti has requested the deletion of the subject lots to facilitate the sale of Lots 1 and 2 fronting on Upper Paradise Road. Both lots can be serviced from Upper Paradise Road independently from the remainder of the subdivision. The Regional Land Division Committee has approved the conveyance of the lands subject to their deletion from the draft approved plan of subdivision.

COMMENT

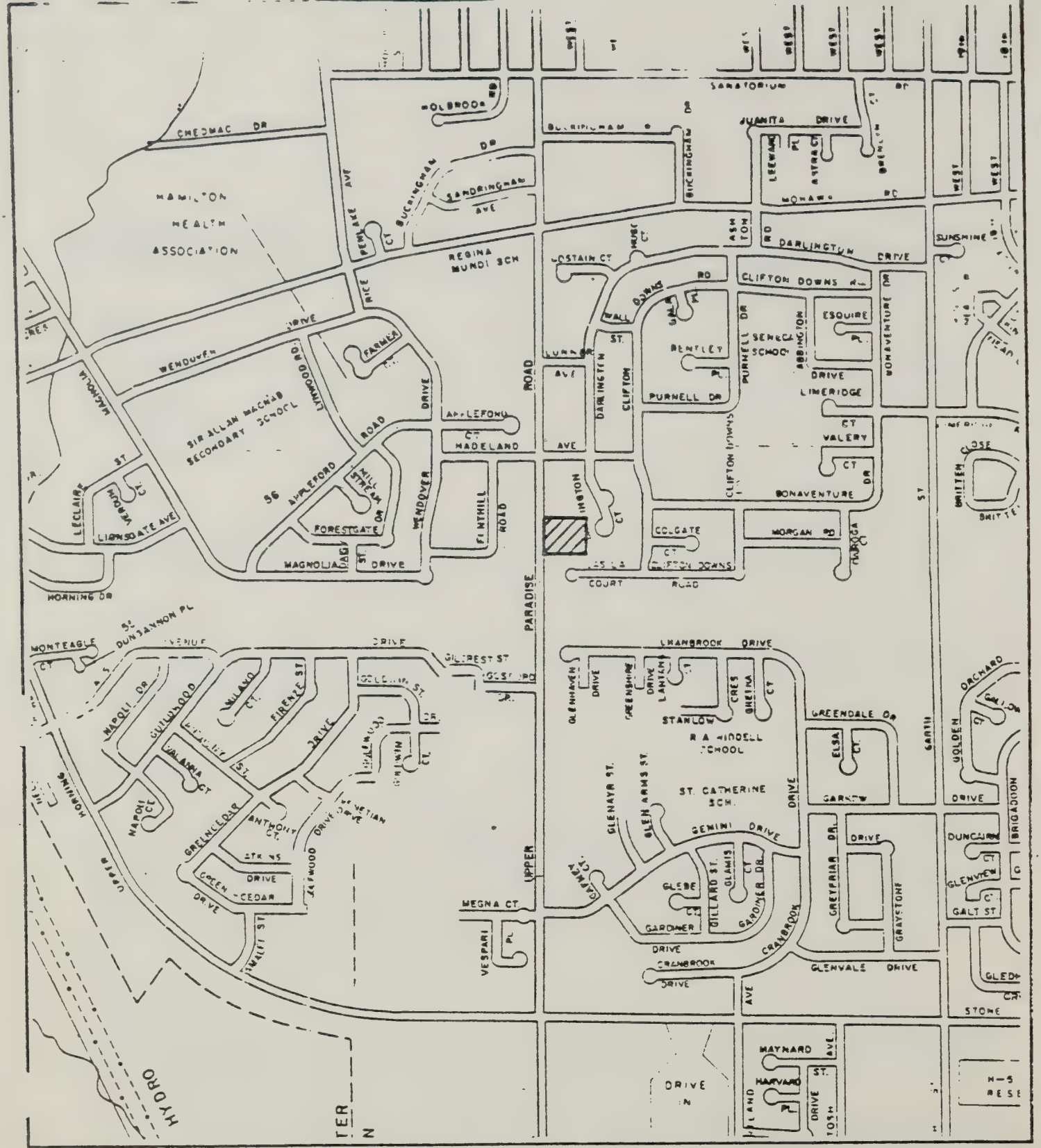
1. The lands of the original draft approval were subject to a previous land severance (H-18-87) which severed proposed Lots 11 and 12 of the plan of subdivision.

2. There is concern that the cost of constructing the road and the installation of services will undermine the marketability of the remaining lands.

3. The owner and her legal representative were advised of this concern and that consent may be considered only subject to the owner entering into a modified subdivision agreement that would cover the cost of services and the road from Upper Paradise Road to the easterly rear lot line of the land proposed to be retained by Mrs. DiGirgenti.

4. The remaining lands of this draft approved plan will be subject to the same conditions as draft approved and as amended in January 1986 and April 1987 respectively.

JLS/jd



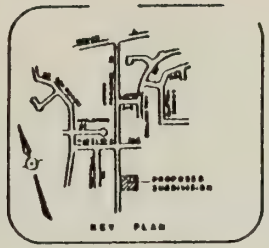
Location Plan For

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

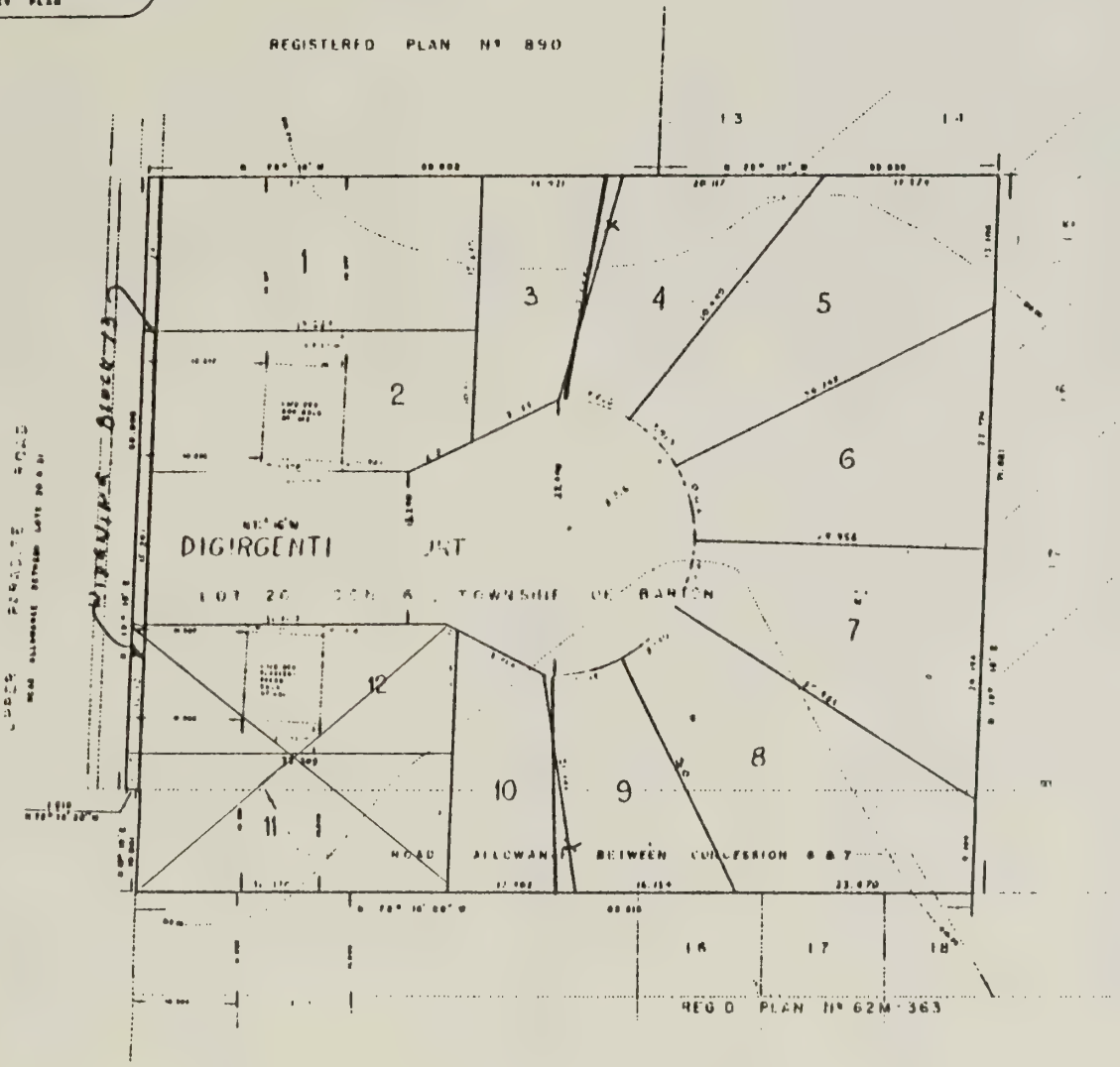
Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1 : 12000	25T-85017
	Date: June, 1985	Drawing No.: 85-H-84



REGISTERED PLAN Nº 890



PART OF LOT 20
CONCESSION 6
PART OF THE ROAD ALLOWANCE
BETWEEN CONCESSION 6 & 7
CITY OF HAMILTON

REGISTERED PLAN Nº 62M-263

MACKAY, MACKAY & PETERS LIMITED

3-6500

8.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 3

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: CI-87-F

SUBJECT

Review of the Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts.

RECOMMENDATION

(a) That the Planning and Development Committee authorize the Planning and Development Department to arrange a public meeting to consider amendments to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts as a City Initiative to delete certain industrial uses which are currently permitted, on the following basis:

i) That notwithstanding Section 17F ("M-14" District) the following industrial uses shall be prohibited:

Identification No.	Industrial Use
3254	Automotive Leaf Spring Manufacturing
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products

ii) That notwithstanding Section 17G ("M-15" District) the following industrial uses shall be prohibited:

Identification No.	Industrial Use
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products
3699	Other Petroleum and Coal Products

iii) That the amending By-law recognize as legal conforming uses any of the industrial uses listed in recommendation (a)(i) and (ii) in the "M-14" and "M-15" Districts which are existing at the date of the passing of the amending By-law.

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-Law is to provide for a modification to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts, to delete the following industrial uses:

Identification No.	Industrial Uses	District
3254	Automotive Leaf Spring Manufacturing	"M-14" (Prestige Industrial) District
3259	Automotive Firewalls Manufacturing	"M-14" (Prestige Industrial) District
		"M-15" (Prestige Industrial) District
3561	Primary Glass and Glass Containers Manufacturing	"M-14" (Prestige Industrial) District
		"M-15" (Prestige Industrial) District
3592	Asbestos Products	"M-14" (Prestige Industrial) District
		"M-15" (Prestige Industrial) District
3699	Other Petroleum and Coal Products	"M-15" (Prestige Industrial) District

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms
Commissioner
Planning and Development

BACKGROUND

The Planning and Development Committee at its meeting of April 1, 1987, directed the Planning and Development Department to review the industrial uses, permitted in the "M-15" Districts. The purpose of the review is to identify any industrial use which should be excluded from the "M-15" District because of the possibility of noise and air pollution that may impact on residential areas in relatively close proximity to these districts.

The study was initiated in response to the recent location of an asphalt plant on Upper Ottawa Street (south of Rymal Road) within 80 m (262.47 feet) of residential use. It appears that some of the industrial uses currently permitted within the "M-15" District are not compatible with surrounding land uses, especially the residential to the west.

A further investigation revealed other non-compatible uses in both the "M-14" as well as the "M-15" District.

By way of explanation, the Zoning By-law identifies permitted uses according to Standard Industrial Classification Codes (S.I.C.). The SIC code profiles industries according to output. In many instances, several uses may be included under 1 classification code. A good example is the classification referred to as industrial organic chemical industries which includes a wide range of uses such as the production of citric acid, DDT, salicylic acid, etc. The SIC codes are used in the Zoning By-law because it allows for a consistent interpretation of the functions, activities and output of industrial uses.

ANALYSIS

The Planning and Development Department has worked closely with the Ministry of the Environment (M.O.E.) in order to accurately identify those industrial uses which may have adverse environmental impacts on sensitive land uses (primarily residential). M.O.E. has recognized the importance of land use conflicts such as industrial/residential. As a result, in 1986, the Ministry prepared a provincial policy statement titled, "ENVIRONMENTAL LAND USE COMPATIBILITY".

According to the draft paper, the Province has identified 2 policies regarding industrial uses:

> "a) New sensitive land uses be separated from existing and committed industrial uses to avoid or satisfactorily mitigate the adverse environmental effects of odour, noise, vibration, particulate and other contaminants.
>
> b) New or expanding industrial uses be separated from existing or committed sensitive land uses to avoid or satisfactorily mitigate the adverse environmental effects of odour, noise, vibration, particulate and other contaminants."

The province has also recognized the importance of the municipality's role in "identifying, separating and protecting sensitive land uses from emission sources". The Ministry of the Environment will aid the municipality in identifying possible industrial uses which should be separated from sensitive land uses.

Based on the policy statements noted above, the Ministry has defined 2 classes of industrial uses: heavy and medium.

1) Heavy Industry

Large scale industrial, manufacturing or processing uses that may release objectionable odours should be located a minimum of 300+ metres from sensitive land uses. This distance should be increased to over 1,000 metres depending on the individual and potential problems associated with the individual plants.

M.O.E. lists several uses which should not be located within the Mountain Industrial Park given the close proximity of residential areas. Of the 31 uses listed, only 4 are permitted in the "M-15" District. They include:

- o charcoal plant (S.I.C. - 3699)
- o coal tar refining of products manufacturing (S.I.C. - 3699)
- o asphalt roofing and shingles plant (S.I.C. - 3699)
- o asphalt manufacturing (S.I.C. - 3699)

These uses are listed under one identification number (standard industrial classification code) - 3699 (Other Petroleum and Coal Products) in the "M-15" District.

2) Medium Industry

Processing, manufacturing and industrial uses which have heavy outdoor storage of waste or materials and/or have potential for infrequent, but hard to control annoyance emissions, should be located between 90 - 300 metres from nearby sensitive land uses.

The Ministry has identified several "medium industrial uses" which should be adequately separated from residential areas. Only 11 of the 35 uses identified are permitted in the "M-14" and/or "M-15" Districts. They are:

- o cheese manufacturing (S.I.C. - 1049)
- o corn drying (S.I.C. - 1099)
- o pickles manufacturing (S.I.C. - 1099)
- o breweries (S.I.C. - 1131)
- o pallet manufacturing (S.I.C. - 2561)
- o asphalt plant (S.I.C. - 3699)
- o asbestos products (S.I.C. - 3592)
- o bottle and glass manufacturing (S.I.C. - 3561)
- o wire strapping manufacturing (S.I.C. - 3052)
- o automotive firewalls manufacturing (S.I.C. - 3259)
- o automotive leaf spring manufacturing (S.I.C. - 3254)

After discussions with the Ministry of the Environment and the City of Hamilton's Noise Control Officer, it was concluded that only 5 of the uses identified above should be eliminated from the "M-14" and/or "M-15" Districts. With the advancement of technology for noise abatement and emission control, any potential particulates, noise or vibration from the industries can be controlled both through adequate building construction and enforcement of existing laws and by-laws by the appropriate authorities.

The 5 industrial uses which should be prohibited are: (asphalt plants, etc. or other petroleum and coal products) asbestos products, glass and bottle manufacturing, automotive firewall and leaf spring manufacturing.

- o Asphalt Plants (S.I.C. 3699)

  Asphalt Plants may have some odour emissions which may be difficult to control. Accordingly, their location near residential areas is not appropriate from a land use perspective. As such, it should be eliminated from the "M-15" District.

- o Asbestos Products Manufacturing (S.I.C. - 3592)

  Asbestos is considered a hazardous material. If an accident did occur, adjacent residential areas could be seriously affected. In addition, there may be possible hard to control emissions. The Economic Development Department and Ministry of the Environment have indicated, to the best of their knowledge, no asbestos plants are located within the City of Hamilton. This use should be deleted from both the "M-14" and "M-15" Districts.

- o Bottle and Glass Manufacturing (S.I.C. - 3561)

  Due to the nature of bottle and glass manufacturing, it is generally considered to be a heavy industrial use. The major source of problems associated with this type of industry is the particulates from sand, silicate, etc., elements used in the manufacturing of glass. Accordingly, to avoid any possible impact on adjacent residential areas, the use should be eliminated from the "M-14" and "M-15" Districts.

- o Automotive Firewalls Manufacturing (S.I.C. 3259)

  The processing of automotive firewalls involves the use of phenolic resins, which are highly odoriferous and toxic substances. The odours are fairly difficult to contain and on this basis, such an industry should not be located near a residential area. In this regard, it should be eliminated from the "M-14" and "M-15" Districts. There does not appear to be this type of industry in the City.

- o Automotive Leaf Spring Manufacturing (S.I.C. - 3254)

  This industry has a tendency to create noise emissions which result from the process of "moulding" the steel. As a result, the automotive leaf spring manufacturing use should be deleted from the "M-14" District. It may be noted that there does not appear to be this type of industry within the City of Hamilton.

ADDITIONAL COMMENTS

1) Any separation distance requirement established by Ministry of the Environment is a guideline only. Such requirements must be analyzed in conjunction with buffering techniques and technological equipment used to control vibrations, noise and air particulates. Therefore, some of the uses listed in the medium industry category should not be removed from the "M-14" and "M-15" District.

2) The Business Land Use Advisory Board, at its meeting of April 18, 1988, reviewed this report. The Board endorsed the report; however, was concerned that any existing uses and recent purchasers of lands would have the right to have the excluded uses recognized as legal conforming uses.

   It is appropriate to recognize the existing uses as legal conforming uses; however, the by-law cannot protect any vacant parcels of land because there is no way to determine how the lands are intended to be developed. In this regard, recent purchasers of "M-14" and "M-15" lands whose properties are vacant will be subject to the amending by-law.

CONCLUSION

Based on the foregoing, the proposal to delete industrial uses from the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts which are not compatible with residential uses can be supported.

JH/dkp

WP 0021P

CITY COUNCIL
HAMILTON CANADA

P5-4-3-2-2

April 20, 1988

Members of the City of Hamilton
Planning and Development Committee

Re: Business Land Use Advisory Board - Response to Review of Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts

The Business Land Use Advisory Board, at its meeting of April 18, 1988, reviewed a draft report on the above-noted study. The Board, in discussing this matter, endorsed the staff recommendation to delete certain potentially noxious uses from the "M-14" and "M-15" Districts. The Board, however, was concerned that both existing uses, as well as recent purchasers of lands for the excluded uses, be protected and recognized in the amending by-law.

Accordingly, I have been requested to advise the Planning and Development Committee that the Business Land Use Advisory Board endorses the staff recommendation regarding the deletion of certain potentially noxious uses from the "M-14" and "M-15" Districts, provided that the existing uses, as well as the purchasers of lands for the excluded uses, be protected in the amending by-law.

I trust these comments will assist you in assessing the merits of the recommendations of this study.

Yours truly,

Alderman John Smith
Chairman
Business Land Use Advisory Board

CF/dkp

c.c. - V. J. Abraham, Director of Local Planning

WP 0121P

9.

F O R A C T I O N

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
AND ALDERMAN TERRY COOKE
WARD ALDERMAN OF THE PLANNING
AND DEVELOPMENT COMMITTEE

DATE: 1988 April 19
COMM FILE:
DEPT FILE: DA-87-77
Kirkendall
North
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-87-77 for construction of a 4-plex condominium apartment building at 203 Homewood Avenue.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-77 by Jeffrey S. Hughes, owner of lands known as 203 Homewood Avenue for development of a 4-plex condominium apartment development subject to the following:

i) modification to the plans in relation to notes, dimensions, and fire hydrant location as marked in red on the plans; and

ii) approval by the Committee Adjustment for a variance to Zoning By-law 6593 to permit the use of the public assumed alley as part of the required 6.0 m maneuvering space for rear parking (A-88:78)

VJAbraham

Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

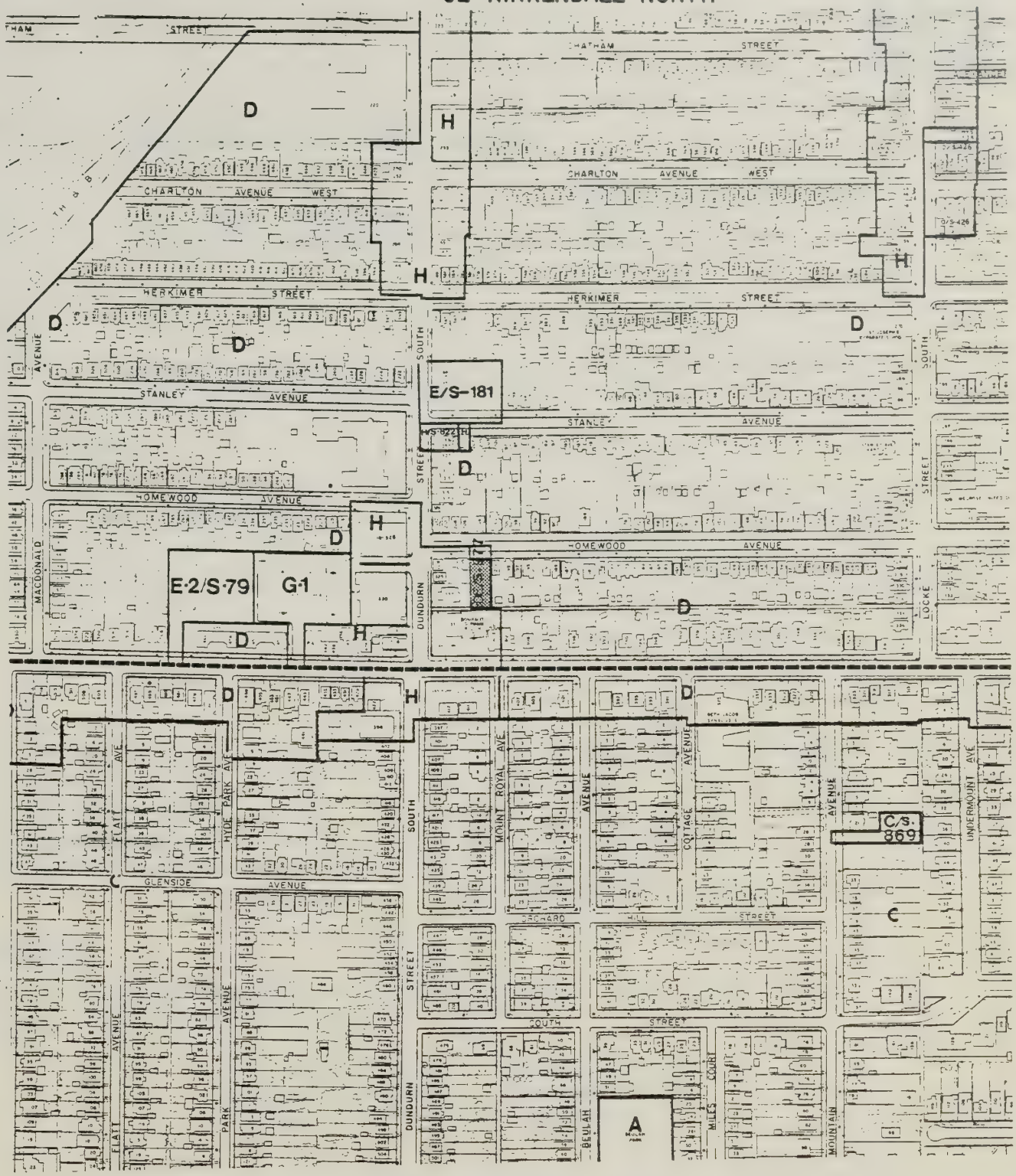
Plans have been submitted for a 3 storey 4-plex condominium apartment development at 203 Homewood Avenue. The gross floor area of the building will be 599.85 m^2 (6,456.94 sq ft) with a 4 car garage plus 1 visitor parking space provided at the rear of the lot.

The building will be constructed of brick with stucco or alumimum siding. Landscaping will be provided around the entire development.

Various modifications are required in relation to notes, dimensions and the location of a fire hydrant, as marked in red on the plans. A minor variance is required for approval by the Committee of Adjustment, to permit the rear public alley to be used for maneuvering space for rear parking area.

gjk/ma

92 KIRKENDALL NORTH



93 KIRKENDALL SOUTH

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-77

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-77
	Date	Drawing No.
	AUG.,1987	87-H-

FOR ACTION

10.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 April 25

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: 4480

SUBJECT

Bill 94 - An Act to Prohibit Discrimination by Municipalities against unrelated persons occupying residential property.

RECOMMENDATIONS

1. That the Planning and Development Committee recommend to City Council that the City of Hamilton reserve its decision on Bill 94 pending the submission of the Student Housing Task Force recommendation (respecting limiting the number of unrelated persons living together as a single housekeeping unit) to the Planning and Development Committee and Council.

2. That the City Clerk be requested to forward Council's recommendation to the Association of Municipalities on Ontario - Large Urban Section.

K. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

The Association of Municipalities of Ontario (AMO) Large Urban Section requested City Council's comments on Bill 94:

An Act to Prohibit Discrimination by
Municipalities Against Unrelated Persons
Occupying Residential Property

...1. The Planning Act 1983, being chapter 1, is amended by adding thereto the following section:

34a The authority to pass by-laws provided in subsection 34(1) and 37(1) does not include and shall be deemed never to have included the authority to pass by-laws that distinguish between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure...

In September 1987, The Planning and Development Committee approved the formation of the Student Housing Task Force. One of the issues the task force has been dealing with is an amendment to the "Family" definition a (contained in the Zoning By-law) to restrict the number of unrelated persons living together in a single housekeeping unit. The Task Force is currently working on this and other recommendations; the final report will be forwarded to the Planning and Development Committee for their consideration sometime in June or July 1988. Therefore, it would be premature at this time for City Council to comment on Bill 94 without the benefit of the Student Housing Task Force's recommendation of same.

FINANICAL IMPLICATIONS

Not known at this time

JH/ma

RECEIVED
MAR 25 1988
CITY CLERKS

AMO

Large Urban Section - Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

Executive Committee
Chair
Controller Howard Moscoe
City of North York

1st Vice
Alderman Michael Bradley
City of Sarnia

2nd Vice
Councillor Ted Bounsall
City of Windsor

Peter Atcheson
Director of Planning
City of Brantford

Councillor Liz Behrens
Town of Oakville

Alderman Gary Bloor
City of York

Alderman Richard Donnelly
City of North Bay

Alderman Rob Forbes
City of Burlington

Mayor Tom Gosnell
City of London

Mayor Jack Masters
City of Thunder Bay

Mayor Allan Pilkey
City of Oshawa

Charles Sim
Commissioner of Physical Environment
City of Ottawa

Alderman Charles Swift
City of Sault Ste. Marie

Mark Emery
Manager of Section Services

March 21, 1988

Dear Mayor & Members of Council:

Bill 94, an Act to amend the Planning Act, has been introduced as a Private Member's Bill by Mr. Jackson, the M.P.P. from Burlington South. In a recent article in London Free Press Premier Peterson has gone on record as supporting this bill; the full text of which is:

Bill 94 **1988**

An Act to prohibit Discrimination by Municipalities against Unrelated Persons Occupying Residential Property

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Planning Act, 1983*, being chapter 1, is amended by adding thereto the following section:

34a. The authority to pass by-laws provided in subsections 34 (1) and 37 (1) does not include and shall be deemed never to have included the authority to pass by-laws that distinguish between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure. — No authority to distinguish on basis of relationship

2. This Act comes into force on the day it receives Royal Assent. — Commencement

3. The short title of this Act is the *Planning Amendment Act, 1988*. — Short title

We would appreciate having your Council's comments as soon as possible.

Yours truly,

Howard Moscoe

Howard Moscoe
Chair

mlr/1

c. Doris Brick
Mark Emery

11.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 5

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: P5-6-2-24

SUBJECT:

Transport Canada Airport Land Use Plan - Hamilton Airport.

BACKGROUND

At its meeting of April 5, 1988, Regional Council adopted a recommendation that Transport Canada's report, "the Hamilton Airport Land Use Plan", be circulated to the City of Hamilton for review. The report is a facilities plan for the airport which examines the need and timing of improvements to the:

- airfield (runways, taxi ways);
- navigation aids;
- air terminal;
- air cargo facilities;
- ground transportation system;
- operations facilities (tower, weather offices, fire fighting equipment, commercial enterprises);
- support services (airport management), maintenance facilities, sewer, water, hydro; and,
- reserve and surplus land.

The Region is currently preparing a study, "the Hamilton Airport Industrial Business Park Action Plan", to address many of the issues raised in Transport Canada's report.

RECOMMENDATION

That the City withhold comment on Transport Canada's report until the Region's study has been completed.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

DO:CS
0157P

NOTE: COPIES OF TRANSPORT CANADA'S REPORT, " THE HAMILTON AIRPORT LAND USE PLAN" WERE DISTRIBUTED TO MEMBERS OF THE COMMITTEE, AND ARE AVAILABLE FROM THE SECRETARY UPON REQUEST.

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 4

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: 4143

SUBJECT:

To include the lands at 18 Main Street East, (former Wentworth Arms Property) under Site Plan Control.

RECOMMENDATION

That Site Plan Control By-laws No. 87-223 and 79-275 be amended to include the lands at 18 Main Street East, (former Wentworth Arms property) as part of Schedule "B" and that the City Solicitor be directed to proceed with such action.

EXPLANTORY NOTE

The purpose of the By-law is to include the lands under Site Plan Control. Any development proposed for the site would then be required to submit various plans for approval.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

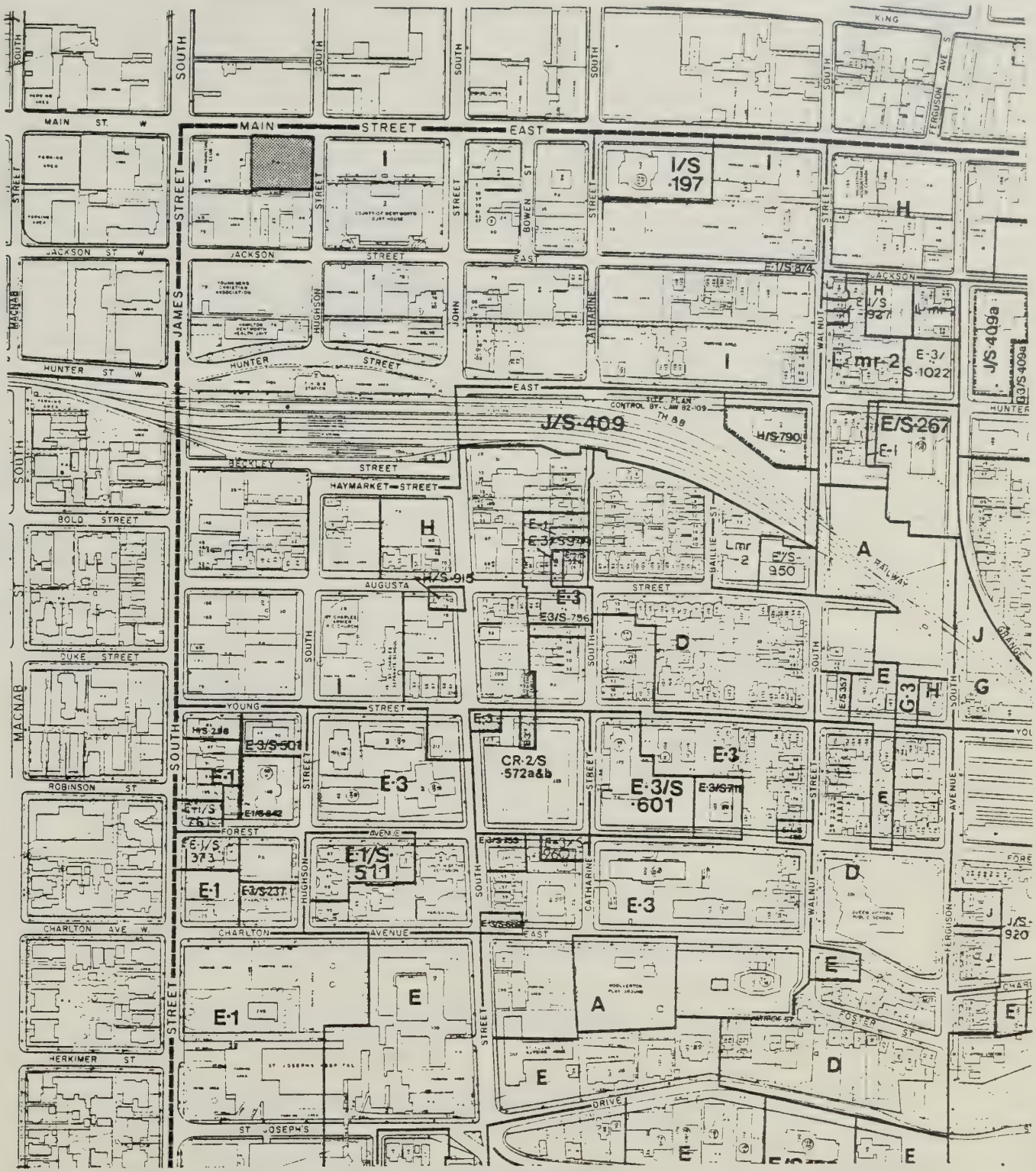
BACKGROUND

At is meeting of April 26, 1988, City Council amended and approved Section 1 of the Tenth Report of the Executive Committee which dealt with the property at the south-west corner of Main Street East and Hughson Street South.

The property is to be offered for sale by proposal call with the provision that any development to take place on the site is to include a minimum of 275 parking spaces of which at least 100 shall be available for hourly and daily parking.

Direction was also given, that the Planning and Development Committee be requested to invoke the Site Plan Control By-law with respect to this property which is presently zoned "I" (Central Business) District and not under Site Plan Control. Modification to By-laws No. 87-223 and 79-275 to include the subject property would require plans for development to be submitted for approval by the City.

JPS/ma



31 CORKTOWN

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	41 43
	Date	Drawing No.
	MAY, 1988	

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 5

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: ZA-88-08
Beasley
Neighbourhood

SUBJECT:

Request for a modification to the zoning for the property located at Nos. 293-335 Wellington Street North.

RECOMMENDATION

a) That approval be given to an amended Zoning Application ZA-88-08, Cidracine Enterprises Ltd., owner (in trust), requesting a modification to the "K" (Heavy Industry, etc.) District, to allow the required parking to be accommodated off-site and to exempt the development from providing 2 loading spaces, for the property located at Nos. 293-335 Wellington Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That Section 18A (1)(d) and (e) shall not apply;

   ii) That notwithstanding Section 18A (9), 146 required parking spaces for the medical office complex may be provided on the lands municipally known as Nos. 317-359 Wellington Street North;

   iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-3 be notated S- ;

   iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3;

   v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

b) That the lands, as shown on APPENDIX "B", be added to Site Plan Control By-law 79-275 as amended by By-law 87-233.

c) That the Development Agreement be registered on title.

EXPLANATORY NOTE

The purpose of this by-law is to provide a modification to the "K" (Heavy Industry) District for the property located at Nos. 293-335 Wellington Street North as shown on the attached map.

The effect of the by-law is:

- to exempt the development from providing two loading spaces; (Section 18A(1)(d) and (e)) and,
- to allow the required parking to be provided off-site on the lands municipally known as Nos. 317-359 Wellington Street North. (Section 18A(9))

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

The applicant has advised that the cost of the project will exceed $1,000,000. It will create approximately 20 jobs during the planning and construction stage consisting of manpower from the Region. Once it is completed, it will create an additional 100 jobs within the medical facility.

The Business Land Use Advisory Committee at its meeting of February 16, 1987, discussed the subject application. They wish to advise The Planning and Development Committee of the following two points: (see attached report).

- "The parking being provided on-site be available for the public and not just for the staff of the medical facility; and,
- The property be rezoned from "K" (Heavy Industry) District to "H" (Community Shopping and Commercial etc.) District to ensure that in the long term no noxious industry locates on this property."

APPLICANT

Cidracine Enterprises Ltd., owner, (in trust).

LOT SIZE AND AREA

The lot is an irregularly shaped parcel of land having:

- 100.74 m (330.5 ft) of lot frontage
- 1.05 ha (2.6 ac) of lot area

LAND USE AND ZONING

	EXISTING LAND USE	EXISTING ZONING
Subject Lands	vacant Stelco building	"K" (Heavy Industry) District
Surrounding Lands		
To the north	vacant industrial building	"K" (Heavy Industry) District
To the south	wholesaler	"J" (Light and Limited Heavy Industry) District
To the east	Hamilton General Hospital	"H" (Community Shopping and Commercial, etc.) District
To the west	Hamilton Wentworth Detention Center	"J" (Light and Limited Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". A variety of uses are permitted including commercial, institutional, residential etc. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Industrial" in the approved Beasley Neighbourhood Plan. A redesignation from "Industrial" to "Commercial" is required to permit the proposal.

CENTRAL AREA PLAN

The subject lands are designated "Mixed Use" in the Central Area Plan. The proposal complies.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority Go Transit, Ministry of Transportation and Communications and Hamilton Wentworth Engineering Department have no comments or objections.

- The Traffic Department has advised that:

  "The Traffic Department fully supports the proposed change in land use to allow for the development of a medical complex on this site. While the appropriate amount of parking cannot be provided entirely upon the site, it is our understanding that the proponent has agreed to provide sufficient additional parking on the adjacent site to meet By-law requirements and it is a standard requirement that in arrangements of this nature, the development agreement be registered on the title of the adjacent lands upon which the extra parking will be situated.

It is also our conclusion that the loading for the development can be accommodated on-site at the front door of the building."

COMMENTS

1. The proposal complies with the Offical Plan and Central Area Plan.

2. An amendment to the Beasley Neighbourhood Plan redesignating the subject lands from "Industrial" to "Commercial" is required to permit the proposed.

3. The proposal can be supported for the following reasons:

   a) The existing building covers 65% of the lot area and, as a result, there is insufficient space on site to provide the 2 required loading spaces. Since this is an existing situation, the exemption can be supported.

   b) The proposed medical center requires 322 parking spaces of which 176 will be provided on-site both in an underground garage and on the surface of the lot. The applicant has agreed to provide the additional 146 spaces on the lands to the north. Due to site limitations, the full complement of parking cannot be provided on-site. The parking which will be provided off-site is adjacent to the medical complex and therefore is within easy walking distance of the building. Based on the above, the provision of off site parking can be supported.

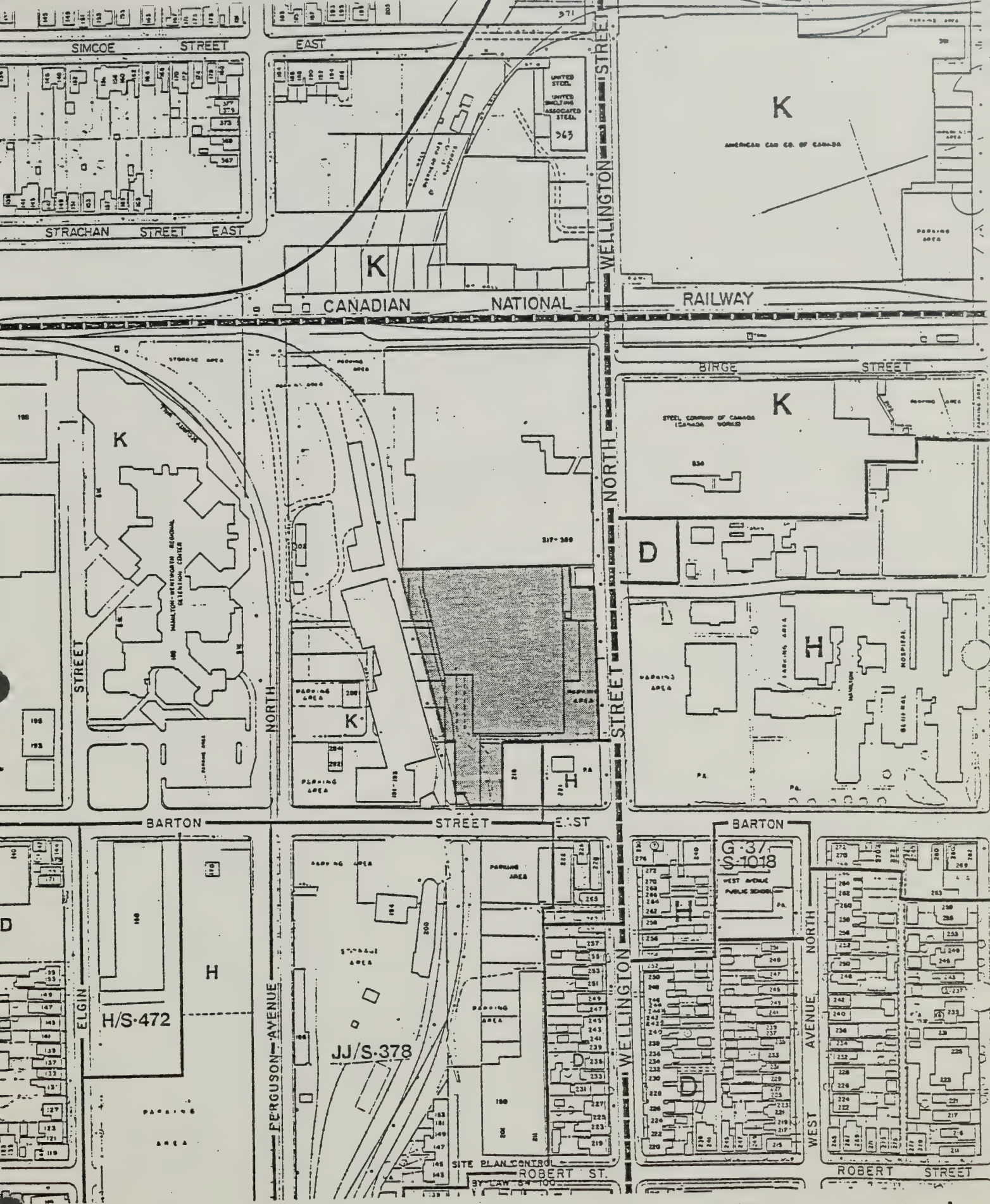
4. To ensure that adequate parking has been provided, it is appropriate to place the subject lands and the lands to the north under Site Plan Control. In addition, once the development agreement has been executed, it should be registered on title.

CONCLUSION

Based on foregoing, the proposal can be supported.

JH/ma

WP 0217P

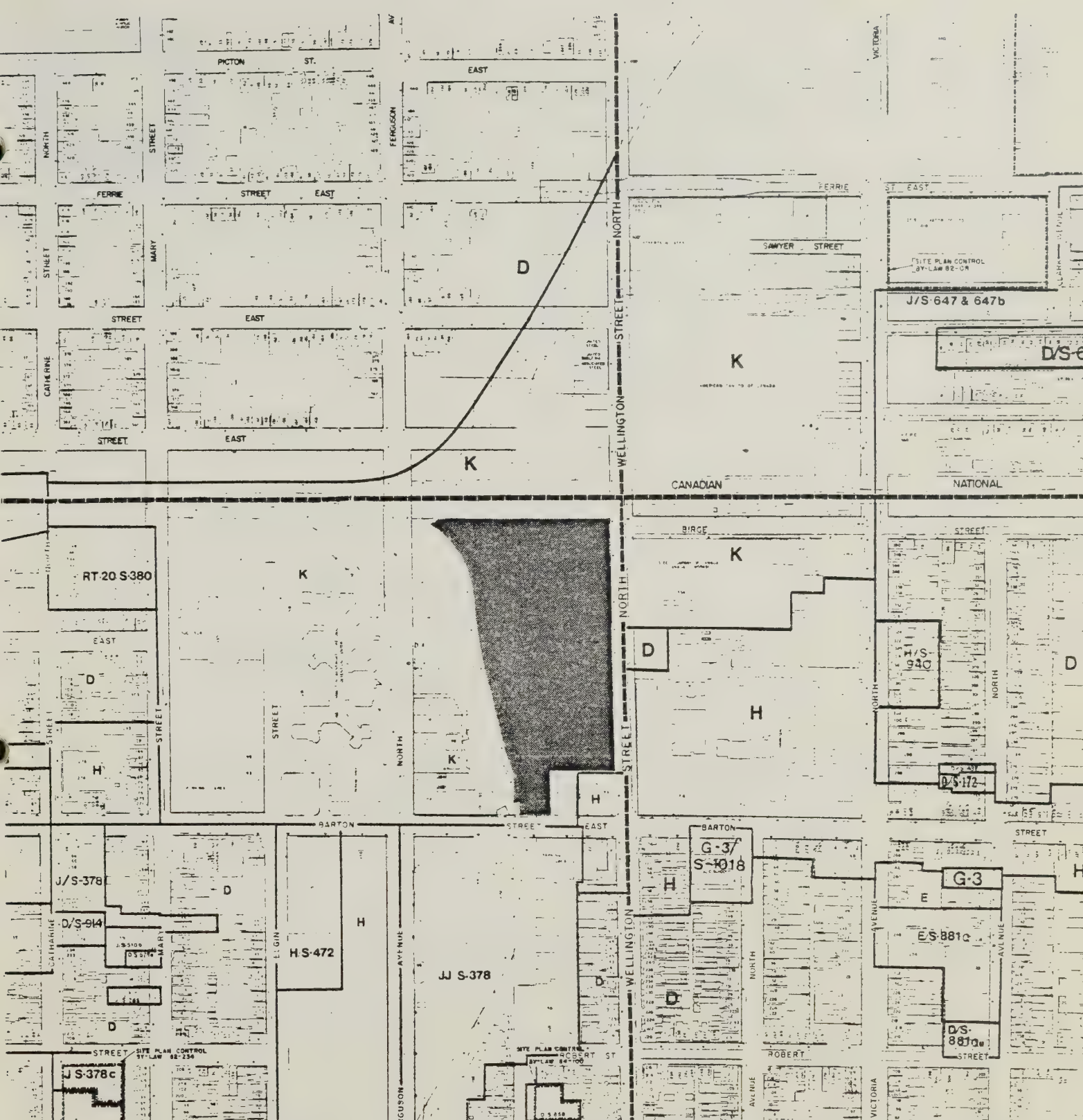


LEGEND

SITE OF THE APPLICATION

ZA 88-08

APPENDIX A



Legend

Lands to be added to Schedule 'A' of Site Plan Control By-Law 79-275 as amended by By-Law 87-233

ZA88-08

Appendix 'B'

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
P.P. & A.				
NEIGH.				
DEV.	JZ			
T.E. & U.D.				
STAFF	JH	GA		
CART.				
ADMIN.				

I.D. 0008D(21)

Refer to File No. E220-0203
Attention of G. S. Aston
Your File No. ZA-88-08

May 5, 1988

TO: V. J. Abraham
Planning Department

FROM: G. S. Aston
Engineering Department G. Aston

RE: Zoning Application 88-08 for a modification to "K" regulations for property located at 293-335 Wellington Street North

Please be advised that public watermains as well as combined storm and sanitary sewers are available on Barton Street to service the subject lands. Also, separate storm and sanitary sewers are available on Wellington Street. For the information of the applicant, the sewer and water services will have to be separated from other parcels if the land is to be severed as it is suggested in this application.

The designated road allowance width of Wellington Street is 26.21m (86 feet). As a condition of development approval, we recommend that a segment of land 3.048m (10 feet) be dedicated to the Region for road widening purposes. These comments were also submitted to the Land Division Committee on Application H-29-88 (copy attached).

Any work within the adjacent road allowances, as widened, must conform to the Region's Road Use By-law.

According to preliminary site plans submitted, it appears that access to the rear of these lands from Wellington Street is through a public unassumed alley. As a condition of site plan approval, we will require that the alley be constructed to our specifications by the applicant so that the City can assume the alley and thus, assure unobstructed access to the site.

Cont'd...

Cont'd...

The design of the access to Barton Street will be finalized at the site plan stage. There is a strong possibility that the bridge will be removed this year in order to allow a dual left-turn lane in this area.

The subject lands should be developed through site plan control.

GSA:cab.
Encl.

GEORGE A. TROW
Barrister & Solicitor
Counsel to the Argyro Group of Companies

8 Taber Road, Rexdale, Ontario M9W 3A4
Telephone (416) 742-5854

April 29, 1988 By Courier

Mr. John Zipay
Planning and Development Dept.
7th Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Zipay:

Re: Lease between Cliffwood Investment Corporation and KML Development Inc., in Trust

Further to our conversation of even date, this will confirm my understanding that an agreement has been reached in principle between Cliffwood Investment Corporation, as Lessor and KML Development Inc., in Trust, as Lessee, whereby the former will lease to the latter an underground area sufficient in size to accommodate 146 vehicles immediately adjacent to Lessee's underground parking area in the about to be constructed Wellington Medical Centre.

I enclose herewith a very rough sketch of where the said parking area will be situate. Within the next day or so I will send you a copy of a fully executed Lease and a more detailed plan attached as an exhibit thereto.

Yours very truly,

George Trow

/db
Enc.

REFERRENCE PLAN OF SURVEY
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

FILE NO. H-29-88
DATE: FEB. 2, 1988
SHEET 2 of 2

REGISTERED PLAN NO. 89 (ARCHIBALD FERGUSON SURVEY) &
REGISTERED PLAN NO. 287 (JOHN FERGUSON SURVEY)

Scale: N. T. S.

CANADIAN NATIONAL RAILWAY

PART 1
STELCO. INC.

LANDS TO BE RETAINED
3.25 Ac. ±

SOUTH STREET

± 95' x 330'

LANDS TO BE SEVERED
2.597 Ac. ±

PART 2

CATHCART STREET

NORTH STREET

WELLINGTON STREET

BARTON STREET EAST

AREAS
PART 1 = 26108.80 SQ. FT.
PART 2 = 18873.30 SQ. FT.
PART 3 = 136.10 SQ. FT.
PART 4 = 4080.50 SQ. FT.
PART 5 = 3741.50 SQ. FT.
PART 6 = 636.30 SQ. FT.

13a.

CITY COUNCIL
HAMILTON CANADA

P5-4-3-2-2

February 22, 1988

Members of the City of Hamilton
Planning and Development Committee

Re: Business Land Use Advisory Board - ZA-88-08
(293-335 Wellington Street North)

The Business Land Use Advisory Board, at its meeting of February 15, 1988, reviewed the above-noted zoning application recently received by the Planning and Development Department. This application requests a modification to the "K" (Heavy Industry) District to provide a reduction of parking spaces for a proposed medical office from 322 spaces required to 176 spaces proposed. The existing building is to be renovated to provide medical facilities for some 20 doctors, laboratories, X-ray rooms, drugstore, etc.

In discussing the application, the Board expressed concern that:

- much of the parking at these facilities were taken up by staff and not the patients;
- there would be only one access from Barton Street;
- proposed use would provide a buffer between the industry to the north and the residential uses to the south; and,
- the property was not being rezoned to a non-industrial District such as "H" (Community Shopping and Commercial) District notwithstanding a medical facility was permitted in a "K" District.

After much discussion on the matter, staff were directed to advise the Planning and Development Committee that the Business Land Use Advisory Board supports the application provided that:

- the parking being provided on-site be available for the public and not just for the staff of the medical facility; and,
- the property be rezoned from "K" (Heavy Industry) District to "H" (Community Shopping and Commercial) District to ensure in the long term no noxious industry locates on this property.

I am bringing this matter to your attention at the request of the Business Land Use Advisory Board.

Yours truly,

Alderman John Smith
Chairman
Business Land Use Advisory Board

CF/dkp

c.c. - V. J. Abraham, M.C.I.P.
Director of Local Planning

WP 0121P

FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 3

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-15
Corktown
Neighbourhood

SUBJECT:

Request for changes in zoning for the properties located at Nos. 159-179 Hunter Street East.

RECOMMENDATIONS

a) That approval be given to an amended Zoning Application ZA-88-15, Cupido Realty and Insurance Limited, owner, requesting a change in zoning from "L-mr-2" (Planned Development Multiple Residential) District to "E-3" (High Density Multiple-Dwellings) District, modified, (for Block "1") and a further modification to the "E-3" (High Density Multiple Dwellings) District (for Block "2") to permit the redevelopment of the subject lands for a 6 storey, 76 unit multiple dwelling, for the properties located at Nos. 159-179 Hunter Street East and to retain the existing building at No. 167 Hunter Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "L-mr-2" (Planned Development-Multiple Residential) District to "E-3" (High Density Multiple Dwellings) District.

ii) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

1) That notwithstanding Section 11C(1a), the maximum height shall be 6 storeys.

2) That notwithstanding Section 11C(2)(a), a minimum front yard of 5.2 m shall be provided.

3) That notwithstanding Section 11C(2)(b), a minimum easterly side yard of 6 m and a minimum westerly side yard of 5.6 m shall be provided.

4) That notwithstanding Section 11C(2)(c) a minimum rear yard of 7 m shall be provided.

5) That notwithstanding Section 11C(4) the gross floor area shall not exceed 2.45.

6) That notwithstanding Section 11C(5) a minimum of 36% of the lot area shall be landscaped.

7) That notwithstanding Section 11C, the building (No. 167 Hunter Street East) existing at the date of the passing of the By-law shall be permitted.

8) That notwithstanding Section 4(3), two residential buildings shall be permitted on the same lot.

9) That a visual barrier between 1.2 m and 2.0 m in height be provided along the northerly property line and the westerly property line except within 3 m of the street line on Hunter Street.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

b) That By-law 87-179 be repealed if a By-law for the proposed redevelopment at Nos. 159-169 Hunter Street East is passed and comes into effect.

c) That the conditions of the Hamilton-Wentworth Engineering Department be satisfied prior to the amending by-law being submitted to City Council for approval.

EXPLANTORY NOTE

The purpose of the proposed changes in zoning for the properties located at Nos. 159-179 Hunter Street East on the following basis:

Block "1" Change in zoning from "L-mr-2" (Planned Development-Multiple Residential) District to "E-3" (High Density Multiple Dwellings) District, modified.

Block "2" Further modification to "E-3" (High Denisty Multiple Dwellings) District regulations.

as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the redevelopment of the subject lands for a 6 storey, 77 unit apartment building. The existing stone single family dwelling located at No. 167 Hunter Street East will be retained.

In addition, the By-law provides for the following variances and additional regulations:

- o the maximum height will be 6 storeys instead of the permitted 18 storeys.
- o to provide a minimum front yard of 5.2 m instead of the required 7.96 m.
- o to provide a minimum rear yard of 7 m instead of the required 10.96 m.
- o to provide a minimum easterly side yard of 6 m and a westerly side yard of 5.6 m instead of the required 7.19 m.
- o to allow a gross floor area of 2.45 instead of the permitted 2.28.
- o to allow a minimum landscaped area of 36% instead of the required 40%.
- o to allow two residential buildings on the same lot whereas only 1 residential building is permitted.
- o to exempt the existing building (No. 167 Hunter Street East) from all yard requirements, landscaping requirements etc.
- o to require a visual barrier between 1.2 m and 2.0 m in height along the northerly and westerly property lines (except for 3 m from the street line).

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

PROPOSED DEVELOPMENT

On July 28, 1987, City Council passed By-law to rezone Block "2" from "L-mr'2" District to "E-3" District modified for a 9 storey, 34 unit condominium (By-Law 87-179).

The applicant has now purchased the properties at Nos. 159-167 Hunter Street East in order to develop the lands as one parcel.

The proposed development incorporates one of the existing buildings (No. 167 Hunter Street East) into the design; the stone cottage will likely be used as a "care takers" house. No. 167 Hunter Street East is listed on the City's Inventory of Architecturally and Historically Significant buildings. The proposed multiple dwelling is 6 storeys in height with 76 units (25 1 - bedrooms, 45 - 2 bedrooms and 6 - 3 bedrooms)

APPLICANT

Cupido Realty and Insurance Ltd; owner

LOT SIZE AND AREA

- 70 m (229.66 ft.) fronting on Hunter Street East;
- 43 m (141.06 ft) fronting on Ferguson Avenue; and,
- 2967.48 m^2 (31,942.73 sq ft) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	single family dwelling, vacant	"E-3" (High Density Multiple Dwellings) District "L-mr-2" (Planned Development Multiple Residential)
Surrounding Lands		
to the north	single family dwellings, commercial, mixed residential/commercial	"H" (Community Shopping and Commercial, etc) District "L-mr-2" (Planned Development-Multiple Residential) District
to the south	multiple dwelling	"E" (Multiple-Dwelling, Lodges, Clubs, etc.) District
to the east	light industry	"J" (Light and Limited Heavy Industry, etc) District
to the west	attached housing	"L-mr-2" (Planned Development Multiple Residential) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". A variety of land uses including residential are permitted.

In addition, the subject lands are located within Special Policy Area #3 on Schedule "B". Policy A.2.9.31 promotes residential development close to the downtown.

As such, the proposed complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Corktown Neighbourhood Plan. The proposal complies.

CENTRAL AREA PLAN

The subject lands are designated "Neighbourhood Residential" in the Central Area Plan. The proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that variances are required.

- The Hamilton Region Conservation Authority and Traffic Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised in part that:

  "....that public watermains as well as combined storm and sanitary sewers are available to service the subject lands. The existing combined sewers are below present day standards. However, the proposed land use does not increase the load from that which would be produced from that zoning.

  According to our records, the existing steps at 167 Hunter Street East encroach into the road allowance by 2.50 ft. Therefore as a condition of development/site plan approval, we recommend that these steps either be removed and reconstructed on private property or the applicant enter into an encroachment agreement with the City of Hamilton. We also advise that any work within the adjacent road allowances must conform to the City's Streets By-laws...."

- LACAC has advised, in part, that:

  "The semi-detached Victorian brick house at 169-161 Hunter Street East comprises part of a 19th century residential streetscape between Walnut Street and Ferguson Avenue which has survived largely intact. It is the end unit of a row of houses on the north side of Hunter Street which included two other brick houses (Nos. 159 and 163) and a stone house (No. 167). Across the street is another row of Victorian brick houses comprising one semi-detached dwelling (No. 160-162) and a four-unit terrace (No. 152-158). All of these houses, including No. 169-171 Hunter Street East are listed on the City's Inventory of Architecturally and Historically Significant Buildings."

COMMENTS

1. The proposal complies with the Official Plan, Central Area Plan and approved Corktown Neighbourhood Plan.

2. The proposal can be supported for the following reasons:

   a) it is compatible with the surrounding land uses including the 20 storey apartment building.

   b) it will be an improvement to the existing streetscape (a vacant parking lot).

   c) the building design is innovation since it is stepped and it has incorporated the existing stone cottage into its design.

   d) additional residential units will be provided in close proximity to the downtown.

   e) it is located on a major collector road (Hunter Street East).

3. Approval of the application would require the following variances and additional regulations:

   o Height (Section 11C, (1a))

   The proposed development will be 6 storeys in height; the By-law permits 18 storeys. In order to ensure compatibility with the surrounding land uses and to encourage compliance with the neighbourhood plan, the proposed development should be restricted to 6 storeys.

   o Yard Requirements (Section 11C(2))

   a) Front Yard

   Under the "E-3" District regulations, the front yard is required to be 7.96 m and the proposed development will have 5.2 m setback. The existing building (which will remain) has a front yard of 1.8 m and therefore, the impact of the front yard setback of the proposed development has on the streetscape is minimal. On this basis, the variance maybe supported.

   b) Rear Yard

   The proposed development requires a rear yard of 10.96 m where as a 7 m yard is being provided. Due to the shape and location of the site, the building is situated on the lot so that the frontage is greater than the depth. Accordingly, the depth of the rear yard required under the by-law cannot be achieved. Based on the above, the variance may be supported.

c) Side Yard

Under the "E-3" District regulations, the side yard is required to be 7.19 whereas a westerly side yard of 5.6 m and an easterly side yard of 6 m are being provided. These variances are minor in nature and therefore, maybe supported.

o Gross Floor Area (Section 11C(4))

The proposed development will require a gross floor area (g.f.a.) of 2.45 instead of the permitted 2.28. The additional g.f.a. works out to be 0.17, which is minor in nature. The variance may be supported.

o Landscaping Requirement (Section 11C(5))

The proposed development will provide 36% of the lot area for landscaping purposes whereas the By-law requires 40%. The existing stone cottage occupies 2% of the area which could be landscaped. Since the existing structure will be retained and the variance is minor in nature, it can be supported.

o Requirements for the Existing Building (Section 11C)

Since the building located at No. 167 Hunter Street East will be retained, the building can no longer meet the requirements of the new "E-3" district. In order to recognize its location as legal conforming, a variance to exempt it from the "E-3" requirements is required. Therefore, the variance may be supported.

o Two Residential Buildings on same lot (Section 4.(3))

The By-law prohibits 2 principal residential buildings on the same lot. Since No. 167 Hunter Street East is to be retained, a variance to allow the existing and proposed residential buildings on one lot is required. It can be supported on this basis.

o Visual Barrier

To ensure adequate buffering between the proposed multiple dwelling and the residential to the west and north, it is appropriate to require a visual barrier between 1.2 m and 2.0 m in height along both the westerly and northerly property lines.

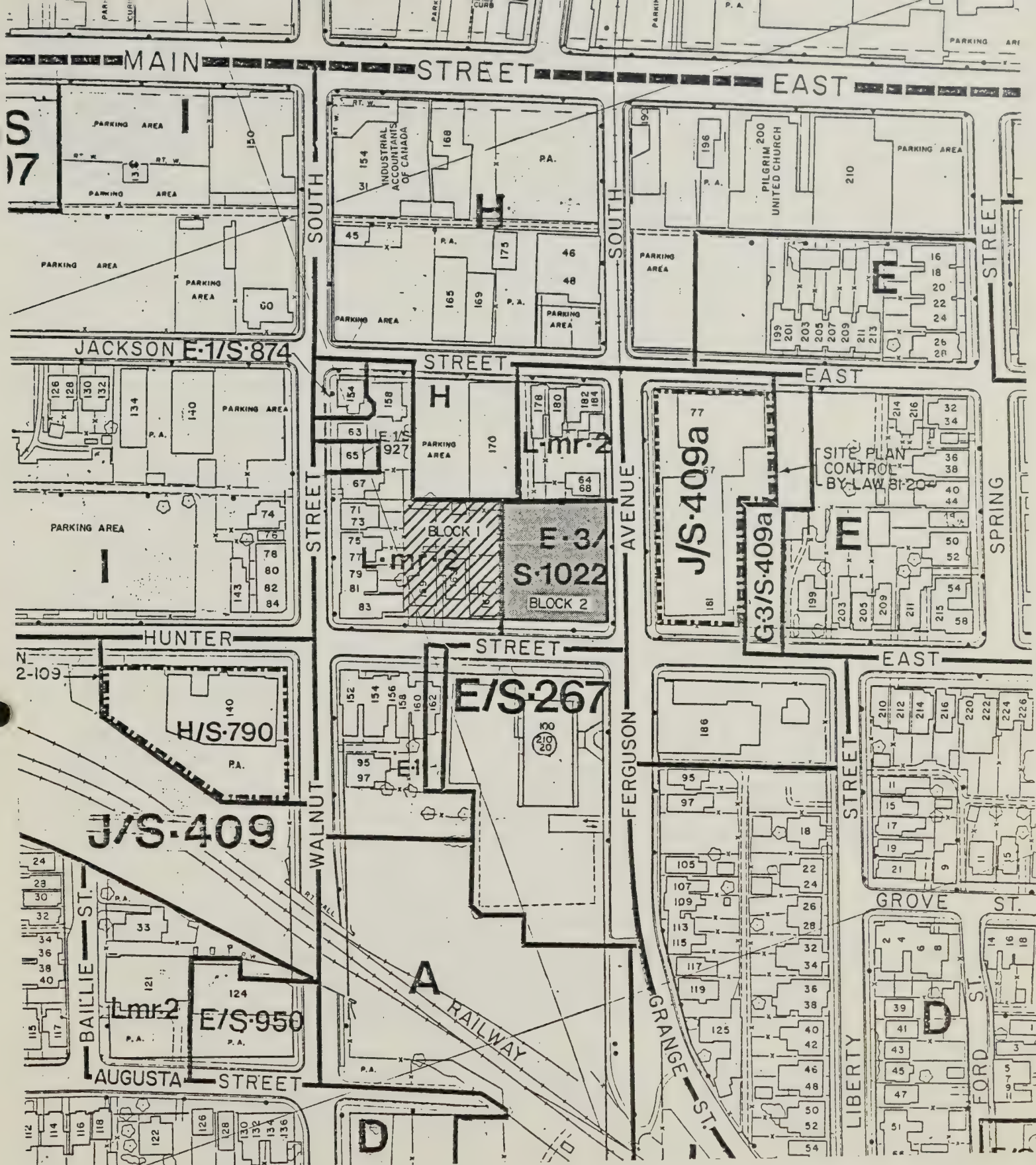
4. The Hamilton Wentworth Engineering Department requires encroachment agreement with respect to the existing building. Therefore, an encroachment agreement should be entered into prior to the passing of the By-law by City Council.

5. Under the "E-3" District regulations, the properties are subject to Site Plan Control By-law 79-275. Matters such as access, parking, landscaping etc., will be reviewed at this time.

CONCLUSION

Based on the foregoing, the proposal may be supported.

JH/ma



Legend

BLOCK 1 — Change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "E-3" (High Density Multiple Dwellings) District, modified.

BLOCK 2 — Further modification to the "E-3" (High Density Multiple Dwellings) District regulations.

ZA 88-15

APPENDIX A

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

File No. APR 0 8 1988

DIR.
PE
NEIGH.
DEV.
E.&U.D.
STAFF
CART
ADMIN

ID #0045D(29)

April 7, 1988

Refer to File No. E220-0307
Attention of T.L. Hearns
Your File No. ZA-88-15

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-88-15 for a change in zoning from "L-mr-2" to "E-3" District modified and further modification to the "E-3" District regulations for property located at 159,163,169,167,171 and 179 Hunter Street East

Please be advised that public watermains as well as combined storm and sanitary sewers are available to service the subject lands. The existing combined sewers are below present day standards. However, the proposed land use does not increase the load from that which would be produced from that zoning.

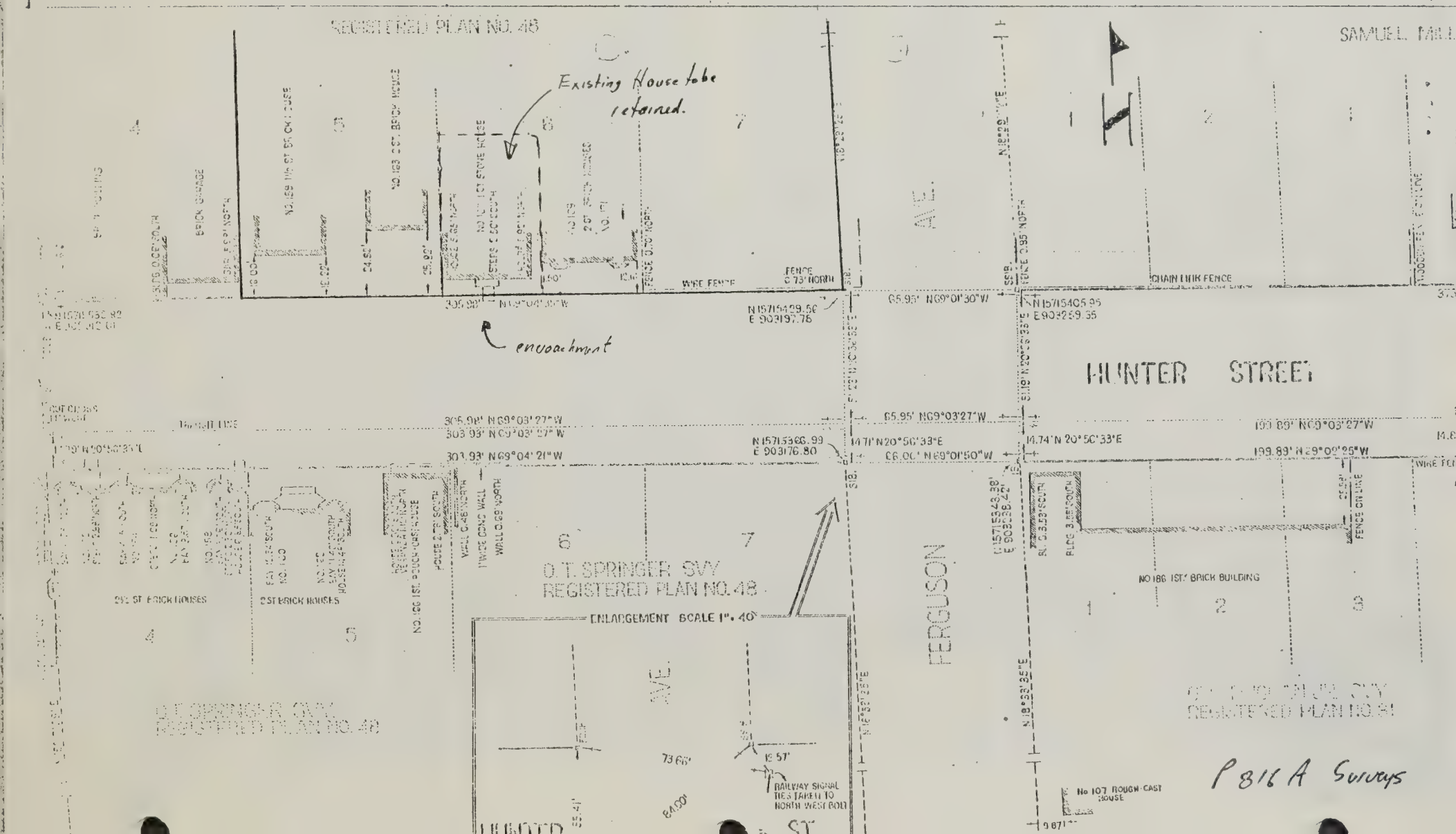
According to our records, the existing steps at 167 Hunter Street East encroach into the road allowance by 2.50 ft. Therefore as a condition of development/site plan approval, we recommend that these steps either be removed and reconstructed on private property or the applicant enter into an encroachment agreement with the City of Hamilton. We also advise that any work within the adjacent road allowances must conform to the City's Streets By-Laws.

As stated in our previous comments on related applications, the grade of the proposed driveway within the Ferguson Avenue road allowance is not to exceed 3%. Furthermore, we recommend that the grade of the driveway ramp from the Ferguson Avenue street line to approximately 6m westerly is not to exceed 5%. This is to ensure that motorists have adequate visibility when entering the road allowance.

All vegetation adjacent to driveways, etc. is not to exceed a mature height of 0.80m above the centreline pavement elevation. These details can be finalized at such time as the applicant submits plans for site plan approval.

K.A. Brenner

TLH:lj
Attach.


REGISTERED PLAN NO. 48
Existing House to be retained.
encroachment
HUNTER STREET
AVE.
FERGUSON
O.T. SPRINGER SVY
REGISTERED PLAN NO. 48
ENLARGEMENT SCALE 1" = 40'
SAMUEL TAIL
NO 186 1ST. BRICK BUILDING
No 107 ROUGH-CAST HOUSE
P816A Surveys

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 April 26

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-18

SUBJECT:

Request for a modification to the established "H" (Community Shopping and Commercial, etc.) District - 26 Wilson Street East.

RECOMMENDATION

a) That approval be given to Zoning Application ZA-88-18, Amalgamated Transit Union Local 107, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 26 Wilson Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

1. That notwithstanding Section 14.(1) of By-law No. 6593 a public hall having a maximum seating capacity of 120 persons shall be permitted on the second floor of the existing building.

That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map be notated S- ;

That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District map.

That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to the subject property located at No. 26 Wilson Street East, as shown on the attached plan marked as APPENDIX "A".

The effect of the By-law is to permit the second floor of the existing building to be used as a public hall having a maximum seating capacity of 120 persons.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

It is the applicant's intention to legalize the existing public hall use having a capacity of 142 persons on the second floor of the existing commercial building. Prior to the applicant purchasing this site, it was used as a private club. The Union (applicant) had rented the second floor from the previous owner (private club) on occasions for dances, etc., but on a banquet hall licence basis (individual permit applications). Because the Union is not a private club and it is intended to operate the public hall on the second floor as a commercial business, the use is considered a public hall, which is not permitted in the "H" District and therefore requires rezoning.

APPLICANT

Amalgamated Transit Union Local 107, owner.

LOT SIZE AND AREA

- 8.46 m (27.76 ft.) of lot width on Wilson Street East;
- 21.86 m (71.71 ft.) of lot depth; and,
- 184.93 m^2 (1,990.66 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Union office and hall	"H" (Community Shopping and Commercial, etc.) District

Surrounding Lands

To the north	A hotel and commercial uses	"H" (Community Shopping and Commercial, etc.) District
To the south	Parking lot and commercial uses	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial uses and a parking lot	"H" (Community Shopping and Commercial, etc.) District
To the west	Commercial uses and a parking lot	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designated "Central Policy Area" on the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" on the approved Beasley Neighbourhood Plan and "Commercial Centre" on the approved Central Area Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, GO-Transit, Local Architectural Conservation Advisory Committee Staff, and City Licence Division have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains, as well as combined storm and sanitary sewers are available to service the subject lands. Although the sewer system is undersized and does not meet with present-day standards, we do not anticipate an increase sufficient to present a problem.

  The designated road allowance width of Wilson Street is 26.21 m (86 ft.). The applicant should be advised of a future road widening of approximately 6.0 m to establish the designated allowance.

  According to our records, Survey Plan P-822A, the existing building encroaches into the road allowance. As a condition of development approval, we recommend that the applicant/owner enter into an Encroachment Agreement with the Region.

  The alley to the rear of the subject lands is a private alley."

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal complies with both the approved Beasley Neighbourhood Plan and the approved "Central Area Plan".

3. The proposal has merit and can be supported for the following reasons:

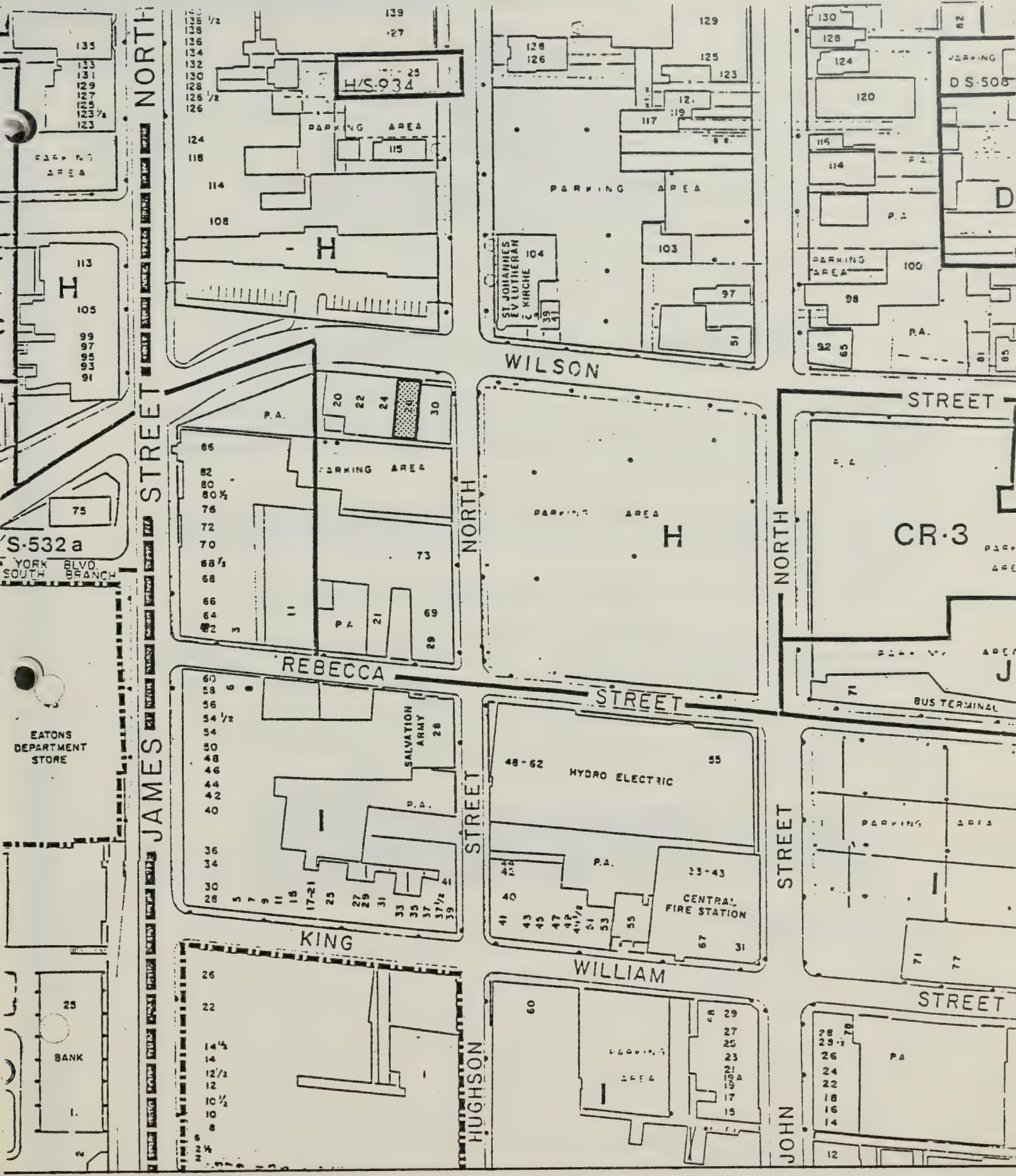
   - the building has functioned as a private club for many years and has meeting halls on both floors;
   - the current owner A.T.U. 107 use the facility as a social club for its members, but on occasion would like to rent the second floor hall to other than its members for banquets, dances, etc.;
   - The basic function of the building as a place of assembly has not changed;
   - As set out in Section 18A (Parking and Loading Requirements) of the Zoning By-law, parking spaces are not required for the public hall use within the downtown core area (AREA "A" on Schedule "A1");
   - The facility is readily accessible to parking facilities in the downtown core area, and public transit routes.

4. Upon checking with the Building Department, it was discovered that the second floor meeting hall has an established maximum capacity of 120 persons (see APPENDIX "B", attached). The applicant has been advised that the requested capacity (142 persons) exceeds that already established, and that the department could not support an increase in capacity beyond that permitted. The applicant has agreed to limit the capacity to 120 persons as currently permitted.

CONCLUSION

On the basis of the foregoing, approval of an amended application to limit the capacity of the public hall on the second floor of the existing building to 120 persons can be supported.

GAW:CS
0157P



LEGEND

APPENDIX A

SITE OF THE APPLICATION

ZA 88-18

PLANNING DEPARTMENT FILE # ZA-88-18

CITY HALL
HAMILTON, ONTARIO
L8N 3T4
TEL. 527-0241

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

An application has been received from the AMALGAMATED TRANSIT UNION LOCAL 107, owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District for the property located at No. 26 Wilson Street, as shown on the attached map.

The purpose of the proposed modification is to legalize the existing public hall having a maximum seating capacity of 142 persons on the second floor of the existing building.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will reconsider this matter at a Public Meeting to be held in the Council Chamber, City Hall on Wednesday May 11, 1988 at 3:15 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/ma
April 22, 1988

OFFICE OF THE BUILDING COMMISSIONER

REFER TO FILE 4063

ATTENTION OF M. Opro

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 6, 1980

St. Andrews Benevolent Society
26 Wilson Street
Hamilton, Ontario

Gentlemen:

Re: St. Andrews Benevolent Society
26 Wilson St.
Lower & Upper Halls

Enclosed herewith please find the required Capacity Cards for the above premises.

Occupancy of these premises by more persons that the following is dangerous and unlawful:

LOWER HALL

A Seated Assembly (Chairs Only)	142	Persons
A Seated Assembly (With Tables)	113	Persons
A Dance Hall	94	Persons
A Standing Assembly	270	Persons

UPPER HALL

A Seated Assembly (Chairs Only)	120	Persons
A Seated Assembly (With Tables)	120	Persons
A Dance Hall	117	Persons
A Standing Assembly	120	Persons

Kindly have these Cards framed under glass and displayed in a prominent location in the Place of Assembly indicated.

Thank you for your co-operation in this matter.

Yours truly,

PAUL KUPPE, P.Eng.
Building Commissioner

Neil/df

c.c. - Fire Prevention Bureau

D.O.B. 12

APPENDIX B

APR 26 1988 15a.

Kenrich FOOTWEAR LIMITED
P.O. Box 1064, Station 'A', Hamilton, Ontario L8N 3R4
468 Cumberland Avenue, Hamilton, Ontario L8M 3M5 Tel.: (416) 549-8400

April 22nd., 1988

Planning and Development Committee
City Hall
71 main Street West
Hamilton, Ontario
L8N 3T4

Dear Sirs:

Our Company, operating under the trade name of Canadian Footwear Factory, has now been serving the public at 73 Hughson St. N., for the past two & half years. We have taken great care, at our expense to enhance and compliment the retail downtown area.

The company decision to open a store in this area was made by considering many factors. We researched the area to be zoned for Community Shopping and Commercial use with adequate parking and access.

It is our considered opionion that a modification to the zoning at 26 Wilson St. to become a public hall is not in the best interest of the community. Parking and easy access has become a concern to the downtown business community, as well as establishing this area as a clean, safe and family orientated shopping experience.

As we are aware a halls purpose is to draw a large number of people together at the same time and place for a function resulting in the over crowding of the parking and access at key retail hours.

If this property was used to the prupose it was intended we would gladly welcome it. In this case however, we can see nothing in the application that would be acceptable to modify the usage as originally intended.

Please advise myself if the owners have taken measures to take care of these areas of concern and also the intended usage of this hall and whether a liquor license has been applied for.

Yours very truly,

KENRICH FOOTWEAR LIMITED

Per:

(Richard K. Hunt)
President

RKH/bh

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 April 25

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-22
Riverdale
East
Neighbourhood

SUBJECT:

Request for a change in zoning to an appropriate zoning district to permit a parking lot on Hydro lands for surplus parking for Harvey's Restaurant situated on adjacent lands at No. 2800 Barton Street East

RECOMMENDATION

(a) That approval be given to Zoning Application ZA-88-22 690372 Ontario Inc. Lessee, for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "G-3" - "H" (Public Parking Lots) Holding District, for property located at the rear of No. 2800 Barton Street East, being Ontario Hydro lands, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed zoning District. The holding provision will prohibit the development of the subject lands until such time as the applicant submits a site plan of the proposed parking lot for the approval of the Planning and Development Committee.

ii) That the subject lands be rezoned from "L-pn" (Planned Development Public and Institutional) District to "G-3" (Public Parking Lots) District;

iii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement.

1. That a 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height be provided and maintained along and within the limits of the property being leased from Ontario Hydro to effectively screen the parking lot from surrounding residential development to the south, east and west.

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map ;

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act R.S.O. on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed zoning District. The holding provision will prohibit the development of the subject lands until such time as the applicant submits a site plan for the parking lot for the approval of the Planning and Development Committee. Removal of the holding restriction shall be conditional upon the submission of a site plan acceptable to the Planning and Development Committee and the passage of an amending By-law of City Council to remove the "H" symbol, and thereby give effect to the "G-3" provisions as stipulated in the amending By-law outlined below as follows.

The purpose of the By-law is to provide for a change in zoning of a portion of hydro lands located at the rear of No. 2800 Barton Street East, as shown on the attached map marked as APPENDIX "A" from "L-pn" (Planned Development - Public and Institutional) District to "G-3" (Public Parking Lots) District.

The effect of the By-law is to permit the lands to be used for surplus parking purposes in conjunction with a Harvey's Restaurant adjoining the subject lands to the north at No. 2800 Barton Street East. In addition, the By-law requires a 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m in height and not less than 2.0 m in height to be provided and maintained along and within the limits of the property leased from Ontario Hydro to effectively screen the parking lot from surrounding residential lands to the south, east and west.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

City Council recently passed By-law No. 88-67 which rezoned lands at No. 2800 Barton Street East from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified. The effect of the By-law is to permit a Harvey's Restaurant. At the time that the site plan for the development was being considered , The Traffic Department advised that while the proposal meets with current By-law parking requirements, it was suggested that the applicant investigate the possibility of providing additional parking on the adjacent hydro property. In this regard, the applicant has negotiated a lease of a portion of the Ontario Hydro corridor as shown on the attached map, and proposes to establish a parking lot for 34 cars on the site in conjunction with the Harvey's Restaurant use.

APPLICANT

690372 Ontario Inc, Lessee

AREA OF LANDS AFFECTED

A parcel of vacant land located within the Ontario Hydro Power line corridor, south of Barton Street East and east of Bell Manor Street having:

- 22.0 m (72.0 ft) of lot depth;
- 49.0 m (160.76 ft) of lot width; and,
- 1,075.29 m^2 (11,574.7 sq ft) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant hydro power line corridor	"L-pn" (Planned Development Public and Institutional) District
Surrounding Lands		
To the north	vacant lands, commercial uses and industrial uses	"L-c" (Planned Development Commercial) District but recently rezoned to "HH" (Restricted Community Shopping and Commercial, etc.) District (subject to By-law appeal period)
To the south	townhouse development	"DE" (Low Density Multiple Dwellings) District

To the east	commercial uses	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the west	vacant apartment site	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN

Designated for "Utilities" purposes on Schedule "A" the Land Use Concept Plan of the Official Plan and subject to the following policies:

Policy 2.7.1

The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals, freight handling facilities and related storage; railway, warehousing and associated parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are priorized and where their location is shown have been identified.

Policy 2.7.5.

Notwithstanding the permitted uses in Policy 2.7.1. above, additional uses may be permitted on Ontario Hydro lands, where deemed by Council to be compatible with adjacent land uses, by agreement with Ontario Hydro, and subject to the preparation of a Neighbourhood Plan for the affected lands.

The proposal would not conflict with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Utilities" purposes on the approved Riverdale East Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that "The required parking will be on the lot and this will be additional parking, therefore no comments."

- The Traffic Department has advised that:

  "we strongly support the rezoning of the subject lands to provide additional parking for the proposed restaurant."

- The Hamilton Region Conservation Authority, The Hamilton-Wentworth Engineering Department and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal complies with the approved Riverdale East Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - It represents additional parking not required parking for the proposed Harvey's Restaurant uses;
   - The applicant recognizing the concerns of the City and surrounding property owners concerning the potential parking problems has secured lands for parking purposes from Ontario Hydro;
   - It utilizes vacant hydro corridor lands which otherwise could not be developed;
   - The property will be effectively screened and buffered to reduce potential impacts on surrounding development.
   - The parking lot is situated within the hydro corridor and distant a minimum of 15.2 m from the nearest established residential development.

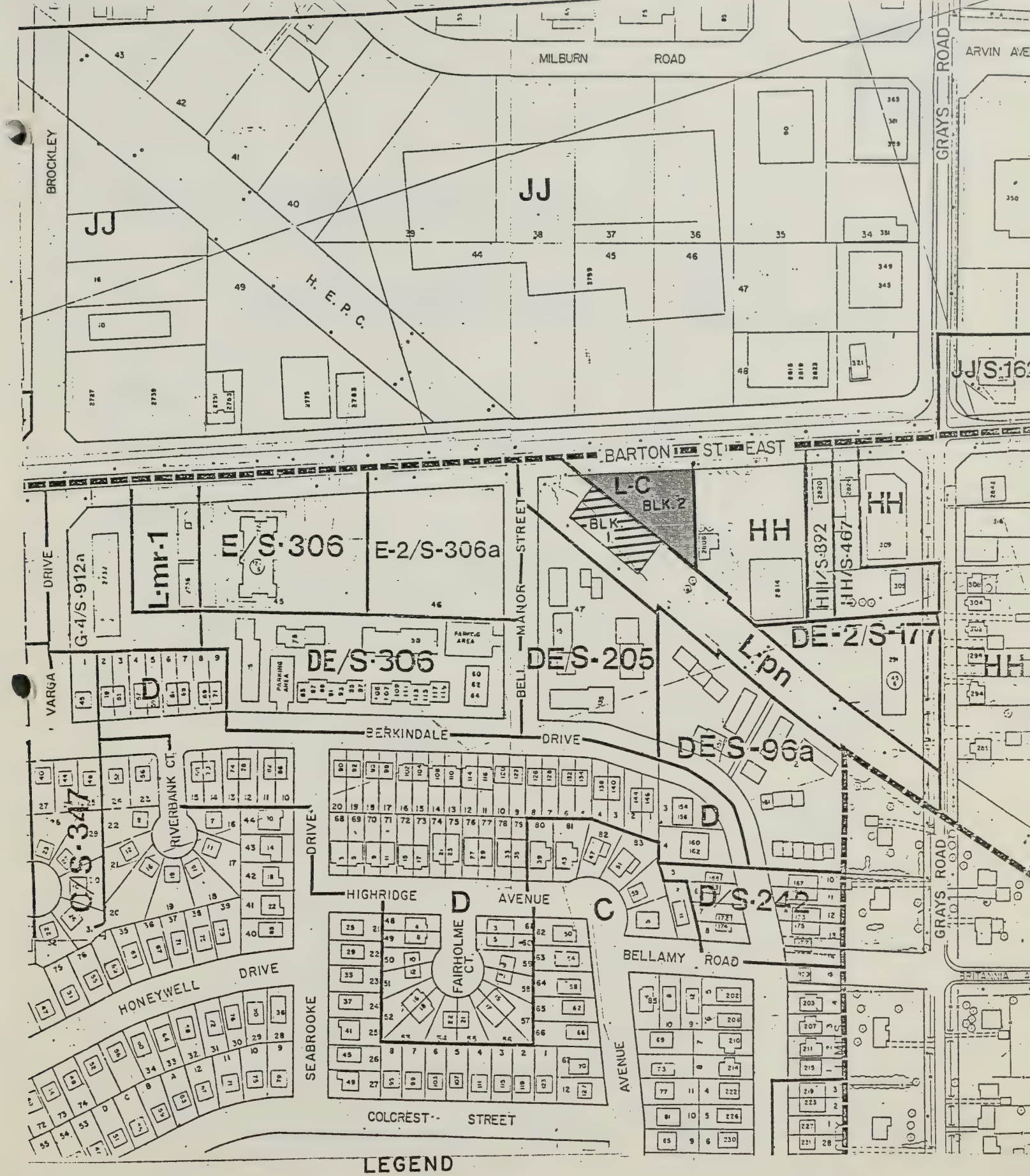
4. The "G-3" (Public Parking Lots) District regulations proposed for the subject lands does not permit the construction of any building other than a kiosk, if required, for a parking lot attendant, and would require a visual barrier not less than 1.2 m (3.94 ft) nor more than 2.0 m (6.56 ft) high to be erected along every side lot line or rear lot line of a parking lot which adjoins a residential district. However, in this case it does not directly adjoin a residential district. In order to provide assurance that a visual barrier not less than 1.2 m (3.94 ft) nor more than 2.0 m (6.56 ft) high is provided along the sides and rear of the proposed parking lot to screen it from surrounding residential development, it is recommended that should the application be approved, that this provision be included in the amending By-law.

5. The "G-3" District is subject to the provisions of Site Plan Control By-law No. 79-275 requiring the proponent to submit site plans for the approval of the Planning and Development Committee. In this regard, matters dealing with landscaping, grading, drainage, lighting, access, visual barriers, etc. can be further reviewed at the site plan control stage of the development. However because a parking lot does not require a building permit to permit its construction, it is suggested that if the application is approved it be subject to Section 35(1) of the Planning Act R.S.O. 1986, whereby Council may, in a By-law use a holding symbol "H" in conjunction with any zoning district and specify the submission of a site plan prior to removal of the holding symbol by amendment to the By-law.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma



LEGEND

BLOCK 1 — SITE OF THE APPLICATION.

BLOCK 2 — SITE OF PROPOSED HARVEY'S RESTAURANT.

ZA-88-22

APPENDIX A

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 20
COMM FILE:
DEPT. FILE: ZA-88-20
DURAND NEIGHBOURHOOD

SUBJECT:

Request for a modification to the established "C" (Urban Protected Residential, etc.) District - 395 Queen Street South.

RECOMMENDATION

(a) That approval be given to Zoning Application 88-20, Samuel S. A. Waldenberg and Deanna M. V. Waldenberg, owners, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations, applicable to property located at No. 395 Queen Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special provisions:

1. That notwithstanding the provisions of Section 9(1) of By-Law No. 6593 a psychiatrist office having a maximum gross floor area of 56 m^2 shall be permitted within the the existing dwelling as a home occupation use, and may be permitted to have one non-resident employee in the operation of the office.

ii) That the Parking and Loading Requirements as contained in Section 18A of By-Law No. 6593, be modified to include the following variance as a special provision:

1. That notwithstanding the provisions of Section 4.(a) of Table 1 of Section 18A, three parking spaces shall be required for the psychiatrist office.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-6 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map W-6;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District provisions applicable to property located at No. 395 Queen Street South, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit a psychiatrist office having a maximum gross floor area of 56 m^2 within the existing dwelling as a home occupation use. In addition, it permits one non-resident employee in the operation of the office, and requires a minimum of three parking spaces on the site for the proposed use.

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS N/A)

BACKGROUND

It is the applicant's intention to modify the established "C" zoning applicable to the subject lands to permit conversion of the basement area into an office for a psychotherapy practice. The business is to be operated 3 1/2 days per week by the applicant who resides on the site, and it is expected that a total of 10 patients per day will visit the office. The practice is basically a home occupation use, as no special equipment is required, however, it will require the services of a receptionist. There will be no sign advertising the office, therefore, the appearance of the dwelling will not be altered. Ample parking can be provided in the large circular driveway and the side driveway of the house.

APPLICANTS

Samuel Stuart Anthony Waldenberg and Dianna Maria Virginia Waldenberg, owners.

LOT SIZE AND AREA

- 26.82 m (88.0 ft.) of lot frontage on Queen Street South.
- 39.01 m (128.0 ft.) of lot depth; and,
- 1,046.43 m^2 (11,264 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Occupied by a large two storey dwelling and an accessory two car garage	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
To the north	Large single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Large single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Large single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Large single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to the following policies:

Policy 2.2.1

The primary uses permitted in the area designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

Policy 2.1.5

Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to the plan subject to the satisfaction of Council that the proposed office:

i) Is situated on a major road;

ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;

iii) Will provide an acceptable amount of on-site parking; and

iv) Will otherwise not detract from the character of the RESIDENTIAL area.

The proposal complies with the above-noted Official Plan policies.

NEIGHBOURHOOD PLAN

Designated for "Single/Double and Attached" housing on the approved Durand Neighbourhood Plan, the proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The parking spaces shall conform to Section 18A (medical office requirements). The plot plan based on an Ontario Land Survey shall be submitted for comment showing the parking."

- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments or objection. The LACAC staff have noted that the property is a listed building but the use would be acceptable.

- The Hamilton-Wentworth Engineering Department has advised that:

  "....public watermains, as well as combined storm and sanitary sewers, are available to service the subject lands.

  We do not anticipate any further road allowance widenings at this time.

  Any work within the Queen Street road allowance, as widened, must conform to the Region's Roads Use By-Law.

  According to the submitted plans, there are two (2) accesses to Queen Street and a vehicle drive-through/turnaround. Due to the existing traffic conditions, we recommend that the access ramps, turn-around and parking area be included in the Amending Zoning By-law provisions to ensure that vehicles are not required to back out onto Queen Street from the subject lands.

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   - It is situated on a major road and on the pheriphery of the Durand Neighbourhood, as opposed to being located in the centre of the neighbourhood on a local road;

   - It is an innocuous use which because of its low keyed nature (consultative) would blend in with established residential uses;

   - It would generate few traffic movements, and ample on-site parking can be accommodated on-site with minimal impact, as the property is served by both a circular driveway and a side driveway, and the applicant has a double car garage for his own use.

   - If the applicant did not have an employee (receptionist) working from the house, the opertion would be considered a "Home Occupation" use conducted in the place of residence by the owner or member of the family who resides on the site, and there would be no need for a rezoning application.

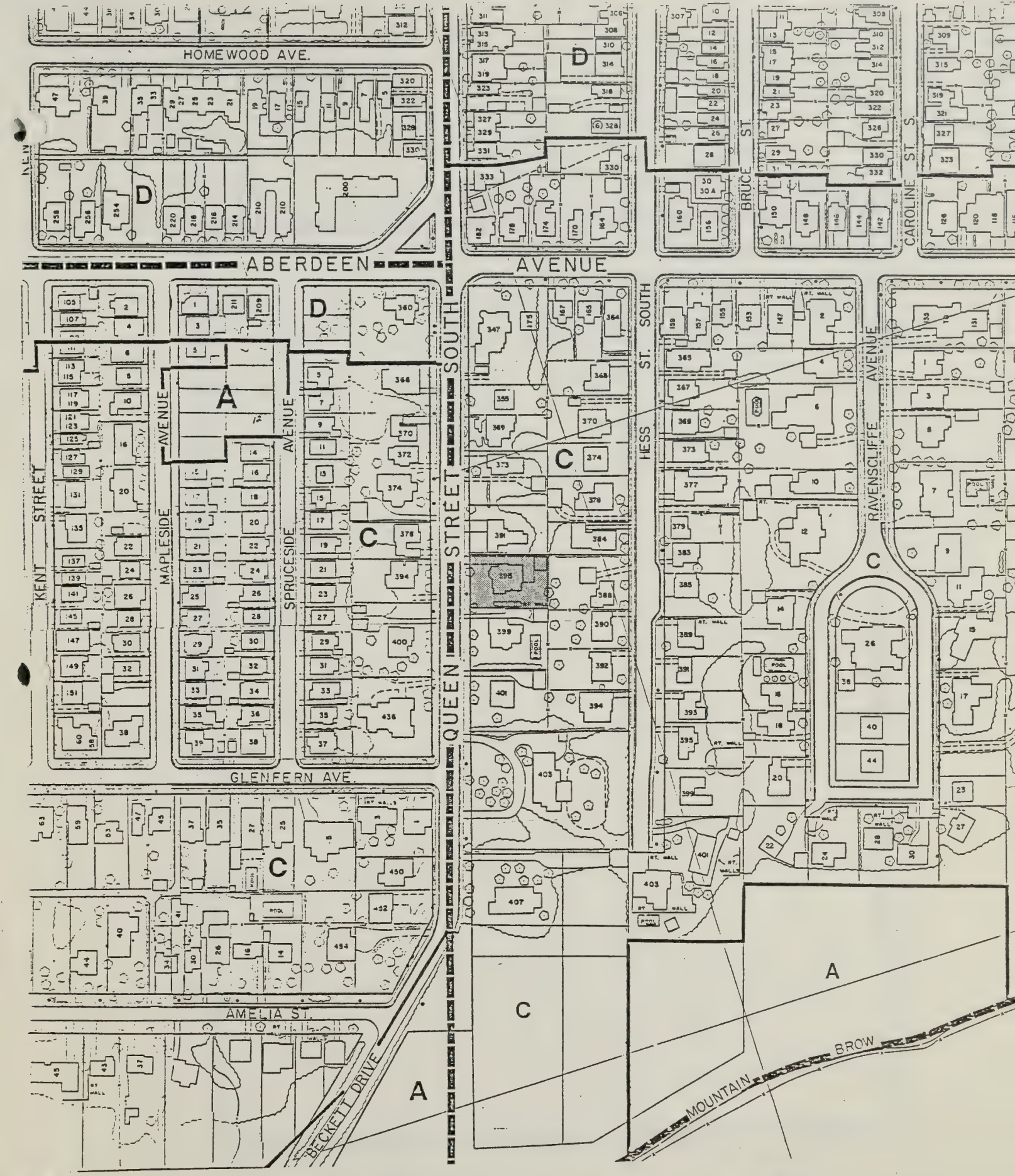
   - It would involve conversion of approximately 56 m^2 (600 sq. ft.) of floor area within the basement of the dwelling including a reception area and a private office. The applicant does not require a sign advertising the business.

CONCLUSION

Based on the foregoing, the proposal can be supported.

G.W.:nd

W.P. DOC. 0136P



LEGEND

SITE OF THE APPLICATION

ZA-88-20

APPENDIX A

APR 28 1988

17a.

April 27/88

Dear Sir or Madam: ZA 88-20

How sad it is to contemplate the loss of a lovely, gracious old area in Hamilton, indeed a "protected and restricted" area. Surely it is a better idea to treasure and protect such sections, rather than give them over to more inroads of change and commercialism.

It is indeed our hope that your department will see the light in the interest of the Hamilton of the future.

Very truly yours,

Murray & Betty Minden

399 Hess St. South

(landowners)

John F. Evans, Q.C., LL.B.
BARRISTER & SOLICITOR

Evans, Philp
16TH FLOOR, COMMERCE PLACE
ONE KING STREET WEST
HAMILTON, ONTARIO L8P 1A4
(416) 525-1200
FAX (416) 525-7897

Mr. & Mrs. J.F. Evans
454 Queen Street South
Hamilton, Ontario
L8P 3V1

APR 29 1988
17b

April 27th, 1988

The City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Ms Susan Reeder
Secretary, Planning
& Development Committee

Dear Ms. Reeder:

Re: 395 Queen Street South

This letter is in response to the notice for a zoning adjustment with respect to the single family home at 395 Queen Street South recently acquired by Dr. and Mrs. Stuart Waldenberg. By this letter I register the objection of my wife Patricia and myself to the adjustment.

We have owned 454 Queen Street South at the corner of Amelia for 24 years and have raised our family there. Ownership of a large home on Queen Street represents an enormous commitment to home and family. By deliberate choice we have chosen to invest a large part of our income in the home. In our view a neighbourhood of families, absent commercial influences, is a much better setting in which to raise a family, to cultivate a flower garden and to entertain friends.

We believe that allowing professional offices runs contrary to the interest of a community of single family homes. We think it would change the tenor of the neighbourhood if I ran my law practice out of my home and we don't hold the work of physicians to be worthy of any special consideration over other consulting professions be they investment councillors, architects or lawyers.

Experience has taught me that the foot in the door principle is very much to be feared in land use matters. What seems inconceivable today can become the accepted norm if two or three such minor variances are made.

As a long time acquaintance of Dr. Waldenberg I am uncomfortable being an objector to his plans. However, on reflection it is Dr. Waldenberg who is coming into an area seeking a change for his personal advantage that will have detrimental effect on both the quality of use and on the property

values of his new neighbours. My wife and I are of the opinion that his intentions are ill advised.

Thank you for your consideration.

Yours very truly,

John F. Evans

JFE/ph

17C

D.B.MacLean
394 Queen St.S.
Hamilton, Ont.
L8P 3T9

May 2nd, 1988

Secretary,
Planning and Development Committee,
City Hall,
Hamilton, Ontario.

Dear Sir or Madam:

I am writing concerning the application to establish a psychiatrist's office at 395 Queen St. S. There are two reasons why I oppose the change requested. In the first instance Queen St. is an exceptionally busy street and the establishment of an office at this site will increase the traffic congestion that already exists. It will also increase the risk of serious accidents with cars entering and leaving the property throughout the days that the office is open.

My second reason for opposing this request is based on a previous experience where an application for a modification was made. This application was made and approved some 20 years ago for the property at 366 Queen St. S. in order to establish a nursery school. After a few years the nursery school closed and now the property is used for another commercial enterprise. As far as I know the residents of our neighborhood were never consulted concerning the setting up of the second enterprise. In the light of this experience the current owners of 395 Queen St. S could in future sell the property and, if this application is approved, another professional or commercial enterprise (with very different objectives) could move in without further review.

It is for these reasons that I oppose this application.

Yours truly,

D. B. MacLean.

D.B. MacLean.

17d.

MAY 5 1988

Dr. and Mrs. Jerry Dolovich
391 Queen St. South
Hamilton, Ontario
L8P 3T8

Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Dear Ms. Reed:

This letter concerns the proposed zoning revision of 395 Queen St. South, File ZA 88-20, which, for a number of reasons, we strongly oppose.

The proposal to re-zone the property in question, which would allow the owners to establish a doctors' office, employ a secretary and see patients three and one half days a week will mean for us a considerable loss of privacy.

Our home is at 391 Queen St. South, the property directly north and adjacent to 395 Queen St. South, where Dr. and Mrs. Waldenberg presently reside. The driveway of the Waldenberg residence lies no more than two feet from the windows of our den, and continues past our living room, kitchen and porch windows. It is this driveway which would be used by patients to gain access to the proposed basement office, were the application for zoning revision to .be successful. Given Dr. Waldenberg's schedule of approximately one patient every forty-five minutes, about eight to ten patients will be seen a day, perhaps more if he practices in the evening. For our family, this would translate into forty or fifty strangers, if not more, passing directly in front of the windows of our home every week.

Not only would this manifestation be an invasion of our privacy, but there is no question that the resale value of our property, into which we have invested a great deal over the years, would be adversely affected.

These are by no means our only objections to the Waldenberg proposal. At present, this neighbourhood is zoned as single family residential. With the suggested changes, we fear both that the tone of the area will be unacceptably altered, and that a precedent will be set for future requests for zoning revisions, which would make it easier to effect similar changes at other area addresses.

We have made our home at 391 Queen St. South for almost a decade, and have valued the nature of the neighbourhood as it has existed. When we purchased this home, we made a choice to live,

not in a 'modified commercial' or business district, but in a residential area. In the same way, Dr. and Mrs. Waldenberg must certainly have been aware of the nature of the area when they chose to purchase their present home.

We can hardly imagine that it is the right of one family to radically alter the tone of a neighbourhood which has perfectly suited many other residents for so many years, and continues to do so.

We would, therefore, like to express our opposition to the proposed revision in zoning from residential to modified commercial.

Yours truly,

M Dolovich

Myrna Dolovich

Jerry Dolovich

17e.

TO MEMBERS OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM Francis K W Ho, 395 Hess St. South.

SUBJECT: OBJECTIONS TO PROPOSED CHANGE TO THE "C" DISTRICT REGULATION REQUESTED BY 395 QUEEN STREET SOUTH.

In order to preserve this interesting and unique residential area of Hamilton, I urge members of the committee to decline the request for the above modification.

WHY I AM OBJECTING.
Any modification to the "C" District Regulation in the heart of this unique and historically significant residential area of Hamilton, would set a precedent, and provide the stage for gradual and unavoidable future requests by other residents for similar modifications, gradually eroding the residential quality of this area.

IMPACT OF SUCH A PRECEDENT
At this time, the immediate neighbourhood consists of grand, very fine old homes, some of which have historic and architectural significance. It is an important part of Hamilton, being one of the few examples representative of the older and finer character of the city, and is also one of the few exclusive and grand residential areas of Hamilton.

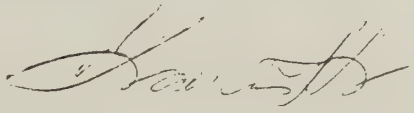
As such, the impact of the requested modification is not as minor as it first appears.

IMPACT IN THE FUTURE.
Such a modification, no matter how small the impact might seem in this case, would provide an example which other residents could use to justify and press for modifications to accommodate their interests. This would open the possibility of a gradual stream of applications which the committee would have to deal with, for which rationale to disallow future requests, would be difficult.

In the extreme, this could trigger a gradual undesirable change, the final result of which, would be unthinkable to all.

WE NEED TO BE CONSERVATIVE.
Whatever decisions made, will be permanent in nature, with no real opportunity for reversal. Because of this, I urge members of the committee to be conservative. For the benefit of residents of that area, now and in the future, such a modification ought not be permitted unless there was extremely good cause involved, where a major benefit results to the neighbourhood and to the owner.

Thanking You, I remain,
Yours Sincerely.



18.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 2

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: P5-6-8-4

SUBJECT:

Day Nurseries - Policies and Controls

RECOMMENDATIONS

(a) That as part of the Official Plan's five-year review or annual update, day nurseries be permitted in all land use designations where:

- parking is readily available and/or a drop-off/pick-up zone is provided;

- it is demonstrated by the proponent, to the satisfaction of Council, that the use will not create noise and traffic problems.

(b) That the definition of Day Nursery in the Zoning By-law 6593, Section 2(2)B(ii) be amended to make it conform with the current Day Nurseries Act, defined as:

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap; and,

(ii) under ten years of age in all other cases,

but does not include;

iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act; or,

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act."

(c) That Zoning By-law 6593 be amended by allowing day nurseries in the following districts:

E (Multiple Dwellings, Lodges, Clubs, etc.) District
E-1 (Multiple Dwellings, Lodges, Clubs, etc.) District
E-2 (Multiple Dwellings) District
E-3 (High Density Multiple Dwellings) District
U (University District)
G (Neighbourhood Shopping Centre, etc.) District
G-1 (Designated Shopping Centre) District
G-2 (Regional Shopping Centres) District
G-4 (Designated Neighbourhood Shopping Centre Area District)
H (Community Shopping and Commercial, etc.) District
HH (Restricted Community Shopping and Commercial) District
I (Central Business District, etc.)
HI (Civic Centre Protected Districts)
CR-1 (Commercial Residential) District
CR-2 (Commercial Residential) District
CR-3 (Commercial Residential) District
J (Light and Limited Heavy Industry, etc.) District
JJ (Restricted, Light Industrial District)
K (Heavy Industry, etc.) District
KK (Restricted Heavy Industrial District)
M-11, 12, 13, 14, 15 (Prestige Industrial) District

(d) That day nurseries be permitted in the following districts:

AA (Agricultural) District
B (Suburban Agricultural and Residential, etc.) District
B-1 (Suburban Agricultural and Residential, etc.) District
B-2 (Suburban Residential) District
C (Urban Protected Residential, etc.) District
D (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
R-2 (Small Lot Single Family Detached) District
R-4 (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
RT-10 (Townhouse) District
RT-20 (Townhouse - Maisonette) District
RT-30 (Street - Townhouse - District)
DE (Low Density Multiple Dwellings) District
DE-2 (Multiple Dwellings) District
DE-3 (Multiple Dwellings) District

subject to the following:

i) it is located within a school, church community centre, or other such public building anywhere in the District; or

ii) is located along a major road as defined in Schedule "F" of the Hamilton Official Plan; and,

iii) that notwithstanding Section 18A(14), no parking shall be permitted in a front yard except within the access driveway leading to the required parking spaces.

(e) That the amending By-law recognizes those day nurseries existing at the date of the passing of the existing by-law as legal conforming uses;

(f) That Zoning By-law 6593 be amended to require day nurseries to provide a parking or a loading zone to drop off and pick up children at a ratio of one stacked car space per six children; and

(g) That day nurseries in all districts be placed under Site Plan Control.

(h) That Private Home Day Care be defined in the zoning by-law as follows:

"Temporary case of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

(i) That Section 3(3)(ia) be inserted in the by-law and read as follows:

"A private home day care is permitted within a dwelling unit."

David Godley
for V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On February 28, 1986, residents of the Buchanan Neighbourhood submitted a petition opposing the establishment of a day nursery at 116 Laurier Avenue. In light of these concerns, the Planning and Development Department was requested to undertake a review of current land use policies and regulations affecting day nurseries.

On May 27, 1987, the Planning and Development Committee authorized a public meeting to discuss the following suggested recommendations of the report Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls:

- As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4. (Open Space) permitting day nurseries in these land use designations. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.

- At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:

  - parking is readily available;
  - a drop-off/pick-up zone could be provided;
  - substantial noise and traffic problems would not be created.

- The definition of Day Nursery in the Zoning By-law should be amended to make it conform with provincial legislation.

- The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking), and "L" (Planned Development).

- The Zoning By-law should be amended as follows:

  - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of ten children. This restriction should not apply to day nurseries in schools, churches or community centres.

  - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.

  - In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m^2 (60 sq. ft.) of outdoor play space and 2.8 m^2 (30 sq. ft.) of indoor play space for each child.

  - In the case of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.

- The Zoning By-law should be amended to require day nurseries to have an on-site loading and/or parking zone for motorists to drop off and pick up children to accommodate 1 car per 6 children at any one time.

- Site Plan Control should be applied to all new Day Nurseries with more than 10 children, as well as to the expansion of existing Day Nurseries regardless of zoning district.

On June 25, 1987 a public meeting of the Planning and Development Committee was held in Room 233 to discuss the above suggested recommended action. Following the meeting, written submissions were received from:

- Mrs. Stella Curtis, 167 Laurier Avenue;
- Mrs. Ann Weiss, 103 Laurier Avenue;
- Judith Preston, Director; Laurier Child Care Centre, 116 Laurier Avenue; and,
- The Social Planning and Research Council.

In the context of this report, "Day Nurseries" are defined as premises that provide temporary care for more than five children, excluding schools and recreation programs. This would include nursery schools, nursery co-operatives and day care centres.

Temporary care of one to five children, unrelated to the care giver, in a private home is referred to as "Private home day care", which is defined by The Day Nurseries Act as:

> "Temporary case of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

According to the Ministry of Consumer and Commercial Relations approximately 80% of day care service is provided through private home day care.

CURRENT POLICIES AND CONTROLS

a) Hamilton Official Plan

The Hamilton Official Plan considers day nurseries as institutional uses. As such, they are permitted in areas designated "Major Institutional" and "Commercial" on Schedule "A" of the Official Plan. Major institutions of less than 0.4 hectares (1 acre) are also permitted in "residential" areas provided sufficient off-street and loading is required, buffering is provided and the proposal is compatible to the surrounding area. Day nurseries may also be permitted in areas designated "Industrial" and "Open Space" areas since compatible uses are permitted in these areas.

Although day nurseries uses are generally permitted in most land use categories, specific policy statements allowing day nurseries are not included. Such a modification would provide further support for both work place and community-based day care.

b) Zoning By-law

Current zoning regulations for Day Nurseries are inconsistent. While day nurseries are permitted in most residential and industrial zones, and in some commercial zones, they are not permitted in such zones as:

- "B" districts (Suburban/Agricultural and Large Lot Residential);
- "RT-30" (Street-Townhouse) District;
- "G-1", "G-4" and "HH" districts (Commercial);
- CR (Commercial/residential) districts; and,
- M (Prestige Industrial) Districts.

(See Table 1)

Where permitted, in residential areas, the Zoning By-law restricts day nurseries to a maximum of 25 children or 1 child per 5.5 m^2 (59 sq. ft.) of yard space, whichever is less. These restrictions apply to all residential districts from one family districts up to high density zones. However, the By-law exempts churches, schools, community centres and public buildings from these restrictions.

The Zoning By-law does not provide any parking or loading provisions for day nurseries.

c) Provincial Regulations

Day nurseries are regulated by the Province through the Day Nurseries Act. Under the Act all day nurseries are required to be licenced by the Ministry of Community and Social Services. Licencing requirements include provisions for interior and exterior play space, furnishing and equipment and staffing ratio. In addition, zoning verification is required prior to the issuance of a licence.

CURRENT SITUATION

The May, 1987 report, Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls, examined the current supply of day nurseries, present and future demands, distribution and regulations of other municipalities. The report concluded that:

- "Given the substantial unmet need for child care facilities in Hamilton, land use policy should encourage the establishment of more day nurseries.

- Day nurseries are poorly distributed, particularly if we accept that community-based child care is a desired option. Land use policy, therefore, should support the establishment of more such facilities in underserviced areas. This does not mean, however, that restrictions should be more relaxed in one neighbourhood than in a similar neighbourhood elsewhere.

- Other groups have expressed concern about day nurseries in residential areas. Land use policy, therefore, should take into account the noise and traffic problems associated with child care facilities.

- Workplace child care represents an alternative that also should be supported. Child care facilities, therefore, should be permitted in industrial and commercial areas."

Day Care service is becoming increasingly important as social and household trends change the family structure, requiring higher levels of services. Household trends which have increased the level of required day care service include:

- o increase in the number of two-income families;
- o increase in the proportion of single-parent families; and,
- o the passing of the "baby boom" generation through the peak child bearing years.

ISSUES AND COMMENTS

As a result of the public meeting and submissions received, a number of issues concerning day nursery controls have been identified. It should be noted that all groups identified the importance of day nurseries, the need for an adequate level of service and the necessity to avoid undue restrictions. However, the concerns are related to the size, location and nature of day nurseries.

a) Size

The previous report recognized the need to protect residents from the adverse noise traffic and parking conditions associated with day nurseries. The report suggests that in low density residential areas a maximum of 10 children should be permitted in a day nursery rather than the presently permitted 25 maximum.

A day nursery of 25 children will generally create noise and traffic above and beyond the level that can normally be expected in a low density residential area. At this scale, a day nursery is a viable commercial or institutional operation. Therefore, it should locate in a commercial area or in institutional buildings such as churches and schools. With a maximum of 25 children, day nurseries are not compatible with low density residential development.

A revised maximum of 10 children in low density residential areas was previously proposed. From a planning perspective, the 10 children maximum merits consideration. At this level, the day nursery can remain in the residential areas as a home occupation or a small scale operation. With 10 children, the noise traffic and parking needs of the day nursery should be compatible with the surrounding residential uses. Residents support this 10 children limit.

TABLE 1

DAY NURSERIES AND ZONING IN HAMILTON

	Zone	Not Permitted	Permitted	Permitted Subject To Restrictions
A	Recreational	X		
AA	Agricultural	X		
B	Residential	X		
B-1	Residential	X		
B-2	Residential	X		
C	Residential			X
D	Residential			X
DE	Residential			X
DE-2	Residential			X
DE-3	Residential			X
RT-10	Residential			X
RT-20	Residential			X
RT-30	Residential	X		
E	Residential			X
E-1	Residential			X
E-2	Residential			X
E-3	Residential			X
F		X		
U		X		
G	Commercial			X
G-1	Commercial	X		
G-2	Commercial			X
G-3	Commercial	X		
G-4	Commercial	X		
H	Commercial			X
HH	Commercial	X		
I	Commercial/ Institutional		X	
HI	Institutional	X		
CR-1	Commercial/ Residential	X		
CR-2	Commercial/ Residential	X		
CR-3	Commercial/ Residential	X		
J	Industrial		X	
JJ	Industrial		X	
K	Industrial		X	
KK	Industrial		X	
L	Industrial	X		
M(11-15)	Industrial	X		

However, day nursery operators have expressed concerns over the 10 child maximum. According to the operators, it is not economically viable to run a day nursery for 10 children. At best a 16 children maximum would be required to make an operation marginally feasible. It should be noted that there are no private day nurseries licenced for a capacity below 16 children in the City.

Since a day nursery is not viable with a maximum of 10 children, such a limit is unrealistic. Alternatively, at a maximum of 24 or even 16 children a day nursery could adversly affect low density residential areas in terms of noise, traffic and parking. Therefore, it should be prohibited as a use from these areas. It should be noted that private home day care (up to 5 children) should still be permitted in these districts.

Within low density residential areas institutional buildings such as schools, churches and community centres are appropriate for day nurseries. Therefore, these uses should be exempt from any new restrictions. These types of day nurseries usually provide adequate play space and parking and can function as the "neighbourhood type" day nurseries identified as desirable by the operators at the public meeting.

At any time when smaller day nurseries are viable, due to changes in legislation or increased funding, zoning regulations should be reviewed and adjusted accordingly.

b) Location

Since it has been suggested that day nurseries are not appropriate in low density residential areas due to its impacts, it should be permitted as a right in all other zones. Therefore, day nurseries should be permitted in these residential, commercial and industrial zones in which they are presently prohibited. In addition, the limitations on the size of day nurseries permitted in high density residential zones and commercial zones should be removed. The size of the day nursery would then be determined by the size of the structure and outdoor play space, as required by the Day Nurseries Act.

In the previous report, it was suggested that day nurseries, of any size, should be permitted in low density areas along arterial roads. The rationale for this recommendation is that traffic created by the operation should be easily accommodated along the arterial road, that arterial roads are served by public transit, thereby making it easier for people to drop-off and pick-up children, and that people along arterial roads would be more tolerant of the traffic.

In other areas, primarily commercial and industrial, day nurseries should be permitted as a right along all roads. Size of the operation would be determined by the Act.

c) Parking

The previously recommended parking ratio of 1 space per 6 children has been identified as a concern by the Day Care Operators and the Social Planning and Research Council. This restriction has been identified as being too tight a solution to a very short term problem. In addition, operators noted that in some cases parents walk children to the day nursery or the day nursery will pick-up and drop-off children at home.

The 1 space for 6 children requirement and/or drop-off zone makes it extremely difficult to convert a residential dwelling to day nursery since these properties are usually too narrow to provide substantial parking on site or a loading zone. However, it is recognized that a day nursery does create parking needs for staff and short term parking for parents dropping-off or picking-up their children.

The Ministry of Community and Social Services in its Day Nurseries Design Guidelines recommends that day nurseries provide parking at a ratio of 1 space per 10 children. This ratio will allow greater flexibility in allowing the establishment and expansion of day nurseries, while still providing for some off street parking for the use of staff and for parents.

CONCLUSIONS

Based on the previous analysis of day nurseries, the result of the public meeting and submissions received and the above comments the following can be concluded:

1. Official Plan

Although the Hamilton Official Plan would not prohibit day nurseries in most land use designations, these uses are not specifically identified as permitted uses. Therefore, in order to strengthen policy providing for day nurseries this use should be explicitly permitted as a general use in the Plan. In addition, the Official Plan should encourage adequate parking, as well as ensuring day nurseries that do not create adverse noise and traffic problems.

2. Zoning By-law

As identified in the previous report the definition of "Day Nursery" in the Zoning By-law is presently out-of-date and should be revised in accordance with the Day Nurseries Act, as follows:

- "A premises that receives more than five children who are not of common partentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

  (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

  (ii) under ten years of age in all other cases,

  but does not include,

  (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or

  (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act".

The Zoning By-law should permit day nurseries as a use in most zoning in districts. Therefore:

- The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts, except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking) and "L" (Planned Development).

In local residential areas the existing child limit for day nurseries can result in adverse noise, traffic and parking problems. Therefore, day nurseries should be prohibited in these areas. By allowing day nurseries as a use in all other districts, there would still be many areas that new day nurseries could be established.

Schools, churches, hospitals, recreation centres, community centres or other institutional buildings should be exempt from this restriction since they are designed for higher activity levels and can provide parking and/or loading space. These buildings could provide the community operations indicated as desirable at the public meeting.

In other areas, primarily commercial and industrial, day nurseries should be permitted as a right along all roads. Size of the operation would be determined by the Act.

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In local residential areas the existing child limit for day nurseries can result in adverse noise, traffic and parking problems. Therefore, day nurseries should be prohibited in these areas. By allowing day nurseries as a use in all other districts, there would still be many areas that new day nurseries could be established.

Schools, churches, hospitals, recreation centres, community centres or other institutional buildings should be exempt from this restriction since they are designed for higher activity levels and can provide parking and/or loading space. These buildings could provide the community operations indicated as desirable at the public meeting.

Since residential areas along arterial roads have a higher tolerance to noise and traffic, day nurseries of any size should be permitted in these areas.

In other areas (non-residential areas) a day nursery, of any size should be compatible with surrounding land use and traffic activity. In these areas, any current limits should be removed. The size of the day nursery will then be determined by the size of the structure, the amount of play space and parking. This revised requirement will provide flexibility for establishing day nurseries of any size, in appropriate locations throughout the City.

Based on these comments, the Zoning By-law should be amended as follows:

- Day nurseries should be allowing in residential districts zoned AA, B, B-1, B-2, C, D, R-2, R-4, RT-10, RT-20, RT-30, DE, DE-2 and DE-3. Only in schools, churches, community centres or other such public buildings or on major roads (defined in Schedule F of the Official Plan - Map 1) Where permitted on major road, parking should be prohibited from the front yard in order to maintain the residential character of these areas.

- In all zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m^2 (60 sq. ft.)of outdoor play space and 2.8m^2 (30 sq. ft.) of indoor play space for each child.

- Existing day nurseries which would not comply to these suggested revisions should be recognized as "legal conforming uses" based on their existing licenced capacity, in the Zoning By-law. This supports and permits the continuing use of these properties for day nurseries. Presently, there are approximately nine operations (15% of all licenced day nurseries) which would need to be recognized as legal conforming if these changes are approved.

The Official Plan requirement for sufficient parking and/or loading space requirement for day nurseries should be provided for in the Zoning By-law. In addition, in order to improve safety and reduce traffic congestion and on-street parking, day nurseries should be required to provide some parking.

The suggested requirements of the Ministry of Community and Social Services are one space for ten children. The Traffic Department originally suggested one space for three children. One space for six children was suggested at the public meeting as a reasonable solution. However, this seems restrictive considering the low wages of day care workers and their consequent unlikelihood of travelling to work by car and the short term parking requirements for drop offs and pick ups. However, the Traffic Department feel that particularly on arterial roads, provisions should be made for worst case scenarios to protect for safety. Restrictions in requirements could be made through the Committee

of Adjustment. The Traffic Department do not, however, object to stacked parking (workers are likely to arrive before children) as long as the stacking is not several cars long. Stacked car parking could be permitted in the zoning by-law and controlled through site plan control.

- o The Zoning By-law should be amended to require day nurseries to provide on-site loading or parking for motorists to drop off and pick up children at a ratio of one stacked space per six children.

New Day Nurseries may or may not be subject to Site Plan Control, since Site Plan Control is only applicable to certain zoning districts. Since it is proposed that Day Nurseries of unlimited size be restricted to Major Roads, the location of accesses should be controlled to ensure a minimal impact on existing traffic flows. In addition, controls may be necessary to ensure parking and play areas are properly located on the property. Therefore:

- o Site Plan Control should be applied to all new day nurseries, as well as for the expansion of existing Day Nurseries regardless of zoning district.

BJ/dkp/CS/nd

WP 0157P

CA4 ON HBL A05
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1988

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 June 3

URBAN MUNICIPAL
JUN 1 1988
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 June 8
1:30 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Secretary

SKR:mjw

PLEASE NOTE THE EARLIER START TIME FOR THE PURPOSE OF HEARING MATTERS OF A CONFIDENTIAL NATURE AS PER THE IN-CAMERA AGENDA.

AGENDA

1. Minutes of the meetings held Tuesday, 1988 May 10th, and Wednesday, 1988 May 11th.

2:00 o'clock p.m.

2. High Density Residential Study.

   (a) Committee Report.

   (b) Staff Report.

2:45 o'clock p.m.

3. Kernighan Neighbourhood Plan.

4. Zoning Application 88-14, M. J. Wasserman, owner, for a change in zoning from "AA" to "RT-20", for lands at the north-east corner of Stone Church Road West and West Fifth Street; Kernighan Neighbourhood.

5. Zoning Application 88-38, V. Citano, owner, for changes in zoning from "C" and "AA" to "RT-20" for property at 945 West Fifth Street, Kernighan Neighbourhood.

CANADIAN FOOTBALL HALL OF FAME 25 YEARS 1963-1988 HAMILTON

3:15 o'clock p.m.

6. Day Nurseries - Policies and Controls.

   (a) Addendum.

   (b) Submission - Social Planning and Research Council.

   (c) Submission - "The Play Stop Ltd." - Laurier Child Care Centre.

4:00 o'clock p.m.

7. Perimeter Road - Central Area Plan Implementation Committee. **(Report to follow)**

8. Site Plan Control Application DA88-27, Hamilton Portuguese Community Home Inc., owner, for lands at 7-23 Gurnett Drive; Gurnett Neighbourhood.

9. Site Plan Control Application DA87-128, Landown Shopping Centre, owner, for lands at 1050 Upper Gage Avenue; Lawfield Neighbourhood.

10. Other Business.

11. Adjournment

Tuesday, 1988 May 10
7:15 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development Committee was held:

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. Morrow
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman D. Agostino
Alderman H. Merling

Also present: Mr. E. Matthews, City Treasurer
Mr. T. Bradley, Manager of Purchasing
Mr. R. Roszell, City Solicitor's Department
Mr. John Thompson, Acting Secretary

Increased Appropriation - James Street North Streetscape - Downtown Hamilton Action Plan, Phase V

The Committee was in receipt of a report from the Director of Community Development dated 1988 May 6th respecting increased appropriation - James Street North Streetscape - Downtown Hamilton Action Plan Phase V.

The Committee then **APPROVED** the following:

(a) That the appropriation for the James Street North Streetscape, Phase V be increased by $230 000. from $1 764 400. to $1 994 400., and

(b) That the Executive Committee be requested to recommend the method of financing the additional amount of $230 000.

Statement of Expenditures and Commitments - Phase V

The Committee was in receipt of an Information Report from the Director of Community Development dated 1988 May 6th respecting statement of expenditures and commitments - Phase V of the Downtown Hamilton Action Plan.

The Committee agreed to **RECEIVE** this Information Report.

James Street North Streetscape, Phase V

The Committee was in receipt of a joint report from the Manager of Purchasing and the Director of Community Development dated 1988 May 6th respecting the James Street North Streetscape Phase V, Downtown Hamilton Action Plan.

The Committee **APPROVED** the following:

(a) That a purchase order be issued to Delmar Contracting Limited, Fruitland, in the amount of $1 457 059. to provide all labour and materials for the James Street North Streetscape, Phase V, Downtown Hamilton Action Plan, for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

(b) That a contract be entered into satisfactory to the City Solicitor.

Note: Lowest of three (3) tenders received.

Corktown Stinson O.N.I.P. Site Development and Landscaping

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 May 10th respecting Corktown Stinson O.N.I.P. site development and landscaping.

The Committee APPROVED the following:

(a) That purchase orders be issued for the supply and delivery of all labour and materials for Site Development and Landscaping, Corktown Stinson O.N.I.P., for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(i) McLean-Peister Ltd., Kitchener
for Parts A, B & C in the amount of $275 993.

(ii) Delmar Contracting Ltd., Fruitland
for Parts D & E in the amount of $210 860.

(b) That contracts be entered into satisfactory to the City Solicitor.

Note: (i) Lowest of two (2) tenders received.
(ii) Lowest of three (3) tenders received.

Funds provided in Corktown Stinson O.N.I.P. Site Development and Landscaping Account No. 0405-T9.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

John Thompson, Acting Secretary
1988 May 10

Typed by M. J. Walton

Wednesday 1988 May 11
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman D. Agostino
Alderman B. Hinkley
Alderman W. McCulloch
Alderman T. Cooke

Also present: Alderman G. Copps
Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Mr. R. Buckle, Real Estate
Mr. J. Zipay, Planning Department
Mr. L. King, Building Department
Mr. K. Brenner, Regional Engineering
Mr. R. Karl, Traffic Department
Mr. M. Watson, Real Estate Department
Ms. J. Hickey, Planning Department
Mr. P. Mallard, Planning Department
Mr. D. Godley, Planning Department
Mrs. S.K. Reeder, Secretary

Minutes- 88/04/26 & 88/04/27

The Committee was in receipt of the minutes of their meetings held Tuesday 1988 April 26 and Wednesday 1988 April 27. The Committee agreed to **ADOPT** these minutes.

Construction Canada '88 Conference

The Committee was in receipt of information forwarded to them from the Mayor respecting a Construction Canada '88 Conference. The Committee discussed this and agreed to **RECEIVE** this information.

Re-opening of Ruth St.from Clinton St. to R.R. tracks

The Committee was in receipt of a report from the Director of Property dated 1988 April 21 respecting the Re-Opening of Ruth Street from Clinton Street to the Railway Tracks.

The Committee **APPROVED** the following recommendation:

> That the owner of 150 Princess Street be advised that it is not feasible to re-open Ruth Street from Clinton Street to the Railway Tracks at this time.

Purchase by the City - 15 Gerrard St.

The Committee was in receipt of a report from the Director of Property dated 1988 May 4 respecting a Purchase by the City of property at 15 Gerrard Street.

Moved by Alderman Hinkley, seconded by Alderman Christopherson and **CARRIED** to **APPROVE** the following recommendation:

> That an Option to Purchase the property at 25 Gerrard Street by Joseph Rawski on 1988 May 3 and scheduled to close on or before 1988 August 19 be **APPROVED AND COMPLETED.**
>
> NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 5.79 metres (19 feet) by a depth of 30.48 metres (100 feet) containing an area of 176.51 square metres (1,900 square feet), together with all structures erected thereon. The purchase

price of $57,500.00 and all costs and associated expenses, including Tenant Moving Allowances, to be charged to Account No. 0408-W75266. Demolition is to take place upon closing.

Sale of City land - Lot 33, Plan M-227 Hamilton Industrial Park No. 1

The Committee was in receipt of a report from the Director of Property dated 1988 April 28 respecting the Sale of City Land at Lot 38, Plan M-227, Hamilton Industrial Park No. 1.

Moved by Alderman Hinkley, seconded by Alderman Ross and CARRIED to APPROVE the following recommendation:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on 1987 September 23 by the Purchasers, William Pickard and 441138 Ontario Ltd. and William Castle and approved by City Council on 1987 October 13, 19th Report of the Planning & Development Committee, Item #16 BE AMENDED as follows:

(a) The names of the purchasers be amended to William Pickard, 441138 Ontario Ltd., Aiden Tuite and Luigi Centurami

(b) The closing date of this transaction be extended to 1988 June 7.

(c) Time is to remain of the essence of the agreement and all other terms and conditions of the agreement are to remain the same.

NOTE: Due to the recent death of William Castle, the two remaining partners found themselves financially unable to proceed with the purchase and development of their project. Two new partners, Aiden Tuite and Luigi Centurami have agreed to replace Mr. Castle's position and thus alleviating any potential financial problems.

Cash payment in lieu of 5% Parkland Dedication - Templemead Gardens

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 April 22 respecting a Cash Payment in Lieu of 5% Parkland Dedication for Templemead Gardens.

Moved by Alderman Ross, seconded by Alderman Hinkley and CARRIED to APPROVE the following recommendation:

That the Corporation of the City of Hamilton accept the sum of $10,000.00 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD GARDENS", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Ottawa Street and South of Stone Church Road in the Templemead Neighbourhood, Hamilton.

Cash payment in lieu of 5% Parkland Dedication - Oakland Park Extension No. 5

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 April 22 respecting a Cash Payment in Lieu of 5% Parkland Dedication for Oakland Park Extension No. 5.

Moved by Alderman Ross, seconded by Alderman Hinkley and CARRIED to APPROVE the following recommendation:

That the Corporation of the City of Hamilton accept the sum of $2,820.00 as cash payment in lieu of 5% dedication in connection with "OAKLAND PARK EXTENSION NO. 5", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Grays Road and south of Federal Street in the Riverdale East Neighbourhood, Hamilton.

Dedication of land from the draft approved Plan "DiGirgenti Court"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 20 respecting a Request by the Solicitor for the Owner to Delete Lands from the Draft Approved Plan "DiGirgenti Court", Proposed Lots 1 and 2.

The Committee **APPROVED** the following:

That **APPROVAL** be given to delete the lands shown as the lands to be retained in Land Severance Application H-26-88 and to amend the draft approved plan of subdivision by the deletion of Lots 1 and 2, "DiGirgenti Court", under Regional File No. 25T-85017, City of Hamilton File No. SA-87-09, subject to the following conditions:

(a) That the owner enter into a modified subdivision agreement which would cover the cost of services and the cost of the construction of the road (from Upper Paradise Road to the easterly rear lot line of the land proposed to be retained by Mrs. DiGirgenti).

(b) That the owner enter into the modified subdivision agreement prior to the revision of draft approval.

NOTE: The purpose of the proposed amendment to the draft approved subdivision is to accommodate the consideration of an application by the Regional Land Division Committee for consent to convey two parcels of land fronting on Upper Paradise Road.

Review of Industrial Uses in the "M-14" and "M-15" Districts

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 3 respecting a Review of the Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts.

Moved by Alderman Hinkley, seconded by Alderman McCulloch and **CARRIED** that the Planning and Development Department arrange a public meeting to consider amendments to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts as a City Initiative to delete certain industrial uses which are currently permitted.

Site Plan Control Application DA87-77-203 Homewood Ave.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 19 respecting Site Plan Control Application DA-87-77 for Construction of a 4-Plex Condominium Apartment Building at 203 Homewood Avenue.

Moved by Alderman McCulloch, seconded by Alderman Agostino and **CARRIED** to **APPROVE** the following recommendation:

That **APPROVAL** be given to Site Plan Control Application DA-87-77 by Jeffrey S. Hughes, owner of lands known as 203 Homewood Avenue for development of a 4-plex condominium apartment development subject to the following:

(i) Modification to the plans in relation to notes, dimensions, and fire hydrant location as marked in red on the plans; and

(ii) Approval of the Committee of Adjustment for a variance to Zoning By-law 6593 to permit the use of the public assumed alley as part of the 6.0m manoeuvering space for rear parking (A-88;78)

Bill 94 - An Act to Prohibit Discrimination by Municipalities Against Unrelated Persons Occupying Residential Property

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 25 respecting Bill 94 - An Act to Prohibit Discrimination by Municipalities Against Unrelated Persons Occupying Residential Property.

The Committee APPROVED the folllowing recommendation:

(a) That the City of Hamilton reserve its decision on Bill 94 pending the submission of the Student Housing Task Force recommendations (An Act to Prohibit Discrimination by Municipalities Against Unrelated Persons Occupying Residential Property) to the Planning and Development Committee and Council.

(b) That the City Clerk be requested to forward Council's recommendation as referenced to in Section (a) above, to the Association of Municipalities of Ontario - Large Urban Section.

Transport Canada Airport Land Use Plan - Hamilton Airport

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 5 respecting the Transport Canada Airport Land Use Plan - Hamilton Airport.

The Committee APPROVED the following recommendation:

That the City of Hamilton withhold comment on Transport Canada's Report "The Hamilton Airport Land Use Plan" until the Region's study entitled "The Hamilton Airport Industrial Business Park Action Plan", which addresses many of the issues raised in Transport Canada's Report, has been completed.

NOTE: Copies of Transport Canada's Report "The Hamilton Airport Land Use Plan" were distributed to members of the Planning and Development Committee, and are available from the Secretary upon request.

Site Plan Control - 18 Main St. E.

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1988 May 4 respecting Lands at 18 Main Street East (former Wentworth Arms Property).

The Committee APPROVED the following recommendation:

(a) That Site Plan Control By-laws No. 87-223 and 79-275 BE AMENDED to include the lands at 18 Main Street East, (former Wentworth Arms property) as part of Schedule "B"; and

(b) That the City Solicitor be directed to proceed with such action.

NOTE: The purpose of the By-law is to include the lands under Site Plan Control. Any development proposed for the site would then be required to submit various plans for approval.

Zoning Application 88-08 - 293-335 Wellington Street N.

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1988 May 5 respecting Zoning Application 88-08 for Property Located at 293 - 335 Wellington Street North.

The Committee APPROVED the following:

(a) That APPROVAL be given to amended Zoning Application 88-08, Cidracine Enterprises Ltd., owner (in trust), requesting a modification to the "K" (Heavy Industry, etc.) District, to allow 25 of the 216 required parking spaces to be accommodated off-site and to exempt the development from providing 2 loading spaces,

for the property located at Nos. 293-335 Wellington Street North, as shown on the attached map marked as APPENDIX "A" on the following basis:

(i) That notwithstanding Section 18A.(1)(a), a minimum of 216 parking spaces shall be required.

(ii) That notwithstanding Section 18A.(9), 25 of the required parking spaces shall be provided on the lands to the north municipally known as Nos. 317-359 Wellington Street North and cash in lieu for 15 spaces.

(iii) That notwithstanding Section 18A.(9), no loading and manoeuvering spaces shall be required.

(iv) That Section 18A.(1)(d) and (e) shall not apply.

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1077, and that the subject lands on Zoning District Map E-3 be notated S-1077.

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3.

(vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the lands shown on Appendix "B" be added to Site Plan Control By-law 79-275 as amended by By-law 87-223.

NOTE: The purpose of this By-law is to provide a modification to the "K" (Heavy Industry) District for the property located at Nos. 293-335 Wellington Street North.

(a) to exempt the development from providing two loading spaces (Section 18A.(1)(d) and (e), 18A.(9)); and,

(b) to permit the development to provide 216 parking spaces instead of the legally required 322 spaces (Section 18A.(1)(a)); and,

(c) to allow 25 of the required parking spaces to be provided off-site on the lands municipally known as Nos. 317-359 Wellington Street North (Section 18A.(9)).

The Committee was also in receipt of a letter from the Business Land Use Advisory Board respecting this application. The Committee **RECEIVED** this correspondence.

Zoning Application 88-15 - 159-179 Hunter St. E. and 167 Hunter St. E.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 3 respecting Zoning Application 88-15 for Property at 159 - 179 Hunter Street East and 167 Hunter Street East.

The Committee **APPROVED** the following:

(a) That **APPROVAL** be given to an amended Zoning Application 88-15, Cupido Realty and Insurance Limited, owner, requesting a change in zoning from "L-mr-2" (Planned Development Multiple Residential) District to "E-3" (High Density Multiple-Dwellings) District, modified, (for Block "1") and a further modification to the "E-3" (High Density Multiple Dwellings) District (for Block "2") to permit the redevelopment of the subject lands for a 6

storey, 76 unit multiple dwelling, for the properties located at Nos. 159-179 Hunter Street East and to retain the existing building at No. 167 Hunter Street East, as shown on the attached map marked as APPENDIX "C", on the following basis:

(i) That Block "1" be rezoned for "L-mr-2" (Planned Development-Multiple Residential) District to "E-3" (High Density Multiple Dwellings) District.

(ii) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

1) That notwithstanding Section 11C(1a), the maximum height shall be 6 storeys.

2) That notwithstanding Section 11C(2)(a), a minimum front yard of 5.2m shall be provided.

3) That notwithstanding Section 11C(2)(b), a minimum easterly side yard of 6m and a minimum westerly side yard of 5.6m shall be provided.

4) That notwithstanding Section 11C(2)(c), a minimum rear yard of 7m shall be provided.

5) That notwithstanding Section 11C(4), the gross floor area shall not exceed 2.45m.

6) That notwithstanding Section 11C(5) a minimum of 36% of the lot area shall be landscaped.

7) That notwithstanding Section 11C, the building (No. 167 Hunter Street East) existing at the date of the passing of the By-law shall be permitted.

8) That notwithstanding Section 4(3), two residential buildings shall be permitted on the same lot.

9) That a visual barrier between 1.2m and 2.0m in height be provided along the northerly property line and the westerly property line except within 3m of the street line on Hunter Street.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1078, and that the subject lands on Zoning District Map E-5 be notated S-1078;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law 87-179 be repealed if a By-law for the proposed redevelopment at Nos. 159-169 Hunter Street East is passed and comes into effect.

(c) That the conditions of the Hamilton-Wentworth Engineering Department be satisfied prior to the amending By-law being submitted to City Council for approval.

NOTE: The purpose of the proposed changes in zoning for properties located at Nos. 159-179 Hunter Street East on the following basis:

(a) Block "1" Change in zoning from "L-mr-2" (Planned Development-Multiple Residential) District to "E-3" (High Density Multiple Dwellings) District, modified.

(b) Block "2" Further modification to "E-3" (High Density Multiple Dwellings) District regulations.

The effect of the By-law is to permit the redevelopment of the subject lands for a 6 storey, 77 unit apartment building. The existing stone single family dwelling located at No. 167 Hunter Street East will be retained.

In addition, the By-law provides for the following variances and additional regulations:

(a) the maximum height will be 6 storeys instead of the permitted 18 storeys;

(b) to provide a minimum front yard of 5.2m instead of the required 7.96m;

(c) to provide a minimum rear yard of 7m instead of the required 10.96m;

(d) to provide a minimum easterly side yard of 6m and a westerly side yard of 5.6m instead of the required 7.19m;

(e) to allow a gross floor area of 2.45m instead of the permitted 2.28m;

(f) to allow a minimum landscaped area of 36% instead of the required 40%;

(g) to allow two residential buildings on the same lot whereas only 1 residential building is permitted;

(h) to exempt the existing building (No. 167 Hunter Street East) from all yard requirements, landscaping requirements, etc.;

(i) to require a visual barrier between 1.2m and 2.0m in height along the northerly and westerly property lines (except for 3m from the street line).

Zoning Application 88-18 - 26 Wilson Street East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 26 respecting Zoning Application 88-18 Respecting Property at 26 Wilson Street East.

The Committee was in receipt of a letter from the President of Kenrich Footwear Ltd., 468 Cumberland Avenue objecting to this Zoning Application.

The Committee then APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 88-18, Amalgamated Transit Union Local 107, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 26 Wilson Street East, as shown on the attached map marked as APPENDIX "D", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 14.(1) of By-law No. 6593 a public hall having a maximum seating capacity of 120 persons shall be permitted on the second floor of the existing building.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1079, and that the subject lands on Zoning District Map be notated S-1079;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map No. E-4.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to the subject property located at No. 26 Wilson Street East.

The effect of the By-law is to permit the second floor of the existing building to be used as a public hall having a maximum seating capacity of 120 persons.

oning Application
8-22 - rear of
800 Barton St. E.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 25 respecting Zoning Application 88-22 for Property at the Rear of 2800 Barton Street East.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-22, 690372 Ontario Inc. Lessee, for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "G-3" - "H" (Public Parking Lots) Holding District, for property located at the rear of No. 2800 Barton Street East, being Ontario Hydro lands, as shown on the attached map marked as APPENDIX "E" on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed zoning District. The holding provision will prohibit the development of the subject lands until such time as the applicant submits a site plan of the proposed parking lot for the approval of the Planning and Development Committee.

(b) That the subject lands be rezoned from "L-pn" (Planned Development Public and Institutional) District to "G-3" (Public Parking Lots) District;

(c) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That a 1.5m wide landscaped planting strip and a visual barrier not less than 1.2m in height and not greater than 2.0m in height be provided and maintained along and within the limits of the property being leased from Ontario Hydro to effectively screen the parking lot from surrounding residential development to the south, east and west.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1080, and that the subject lands on Zoning District Map be notated S-1080.

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123.

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The amending by-law establishes the holding provisions of Section 35(1) of the Planning Act R.S.O. on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the applicant submits a site plan for the parking lot for the approval of the Planning and Development Committee. Removal of the holding restriction shall be conditional upon the submission of a site plan acceptable to the Planning and Development Committee and the passage of an amending By-law of City Council to remove the "H" symbol, and thereby give effect to the "G-3" provisions as stipulated in the amending By-law.

The purpose of the By-law is to provide for a change in zoning of a portion of hydro lands located at the rear of No. 2800 Barton Street East, from "L-pn" (Planned Development - Public and Institutional) District to "G-3" (Public Parking Lots) District.

The effect of the By-law is to permit the lands to be used for surplus parking purposes in conjunction with a Harvey's Restaurant adjoining the subject lands to the north at No. 2800 Barton Street East. In addition, the By-law requires a 1.5m wide landscaped planting strip and a visual barrier not less than 1.2m in height and not less than 2.0m in height to be provided and maintained along and within the limits of the property leased from Ontario Hydro to effectively screen the parking lot from surrounding residential lands to the south, east and west.

Zoning Application 88-20 - 395 Queen St. S.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 20 respecting Zoning Application 88-20 for Property at 395 Queen Street South.

The Committee was in receipt of the following letters of objection:

(a) Mr. & Mrs. Minden, 399 Hess Street South

(b) Mr. & Mrs. J.F. Evans, 454 Queen Street South

(c) B. MacLean, 394 Queen Street South

(d) Dr. & Mrs. Jerry Dolovich, 391 Queen Street South

(e) Francis K. W. Ho, 395 Hess Street South

(f) Mr. & Mrs. Harley J. Murphy, 401 Queen Street South

(g) Petition from residents on Hess Street and Queen Street South

(h) Petition from residents on Hess Street South

The Director of Local Planning advised the Committee that the applicant has withdrawn his application due to the number of objections put forward by his neighbours.

Information Report - Student Housing Task Force

The Committee was in receipt of an information report from the Task Force on Student Housing respecting the Final Recommendations from the Student Housing Task Force.

Alderman Cooke spoke to this matter, and following discussion the Committee agreed to authorize the Wednesday, 1988 May 18th meeting in the community respecting these recommendations as a "Public Meeting" of the Planning and Development Committee. It was agreed that all members of City Council would be invited to attend this Public Meeting.

It was also agreed that the appropriate staff be requested to provide reports on the costing and their comments on the final recommendations being put forward by the Task Force on Student Housing. These reports would accompany the Task Force's report to the June 15th meeting of the Planning and Development Committee.

Day Nurseries - Policy and Control

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 2 respecting Day Nurseries - Policy and Control.

Mr. D. Godley of the Planning Department introduced the report to the Committee.

The following persons then spoke on this report:

(a) Ms. Weiss, 103 Laurier Avenue - expressed concerns at the Day Nurseries now in existence.

(b) Ms. Doina Stein, Eastgate Day Care Centre, 8 Keats Road - spoke on her concerns on Day Nurseries.

(c) Ms. Kurtis, 167 Laurier Avenue - indicated that when an application is made to establish a Day Care, that the need for one in the area should be determined first. She indicated she is concerned at the parking impact the Day Cares are having in the communities.

(d) Mr. Tom Stevenson, 998 Upper Sherman Avenue - expressed concern respecting Day Cares.

(e) Ms. Judy Preston, 116 Laurier Avenue - suggested that provisions should be made on arterial roads for stop-off and pick-up as well as staff parking due to the concerns of the traffic problems during peak hours that Day Cares would generate. Mr. Roland Karl of the Traffic Department indicated that these concerns can be alleviated through Site Plan. Ms. Preston also indicated that numerous restrictions are already placed on Day Cares through other legislation. She further added that the proposed recommendation before the Committee encourages large institutional centres and makes smaller (ie, 10 children) centres prohibitive. She added that this is not the type of care that most parents want for their children since they would prefer a small, more intimate environment.

(f) Mr. Albert Van Mourik, 87 Laurier Avenue - indicated that he would like to limit Day Cares to one per neighbourhood or one for so many houses.

(g) Ms. Judy Bishop, a representative of the Social Planning and Research Council spoke to the Committee. A submission from the Social Planning and Research Council dated 1988 May was distributed to members of the Committee. Ms. Bishop read through her submission and summed up by indicating that the proposed recommendations are too restrictive and prohibit small neighbourhood day nurseries.

(h) Ms. Weiss spoke to the Committee again and indicated that she is concerned that no notice is given to the residents of an area when a Day Care is established.

The Comittee agreed that there was new information and concerns being expressed by those in attendance and agreed to TABLE this report until their June 15th meeting in order to digest the concerns being raised at this meeting.

There being no further business, the meeting then adjourned. Adjournment

Taken as read and approved.

Alderman J. Smith,
Chairman

Susan K. Reeder
Secretary

1988 May 11

2a.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 1

FROM: HIGH DENSITY RESIDENTIAL DEVELOPMENT ADVISORY COMMITTEE

COMM FILE:
DEPT. FILE: P5-4-7-15

SUBJECT:

High Density Residential Development Study

RECOMMENDATION

a) That the High Density Residential Development Advisory Committee recommends the following:

(note * indicates alternate recommendation from Planning Department)

1H) That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety.

2H) That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area.

3H) That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance.

4H) That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" and "Renterprise" Programs, along with other various housing rehabilitation programs under Provincial jurisdiction.

5H) That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparison to the assessment of rental units in the same type of structures.

*6H) That the Central Area Plan Official Plan Amendment include a policy supporting in principle increases in the floor area/lot area ratio, decreases in setbacks and landscapes, and additional commercial uses, where appropriate in exchange for:

(i) lower building heights;

(ii) building scale, setbacks, and design which are compatible with existing streetscapes;

(iii) innovative design;

(iv) preservation of heritage buildings or of historical features such as building facades;

(v) preservation of trees and other landscape features;

(vi) dedication to the City of useable open space for a public park where appropriate;

(vii) turning over units for subsidized housing;

(viii) providing ground related units suitable for families;

(ix) providing facilities such as day nurseries for community use;

(x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;

(xi) providing enclosed parking.

The granting of bonuses would be at the discretion of Council, and would be applied on a site-by-site basis in line with planning principles and policy documents e.g. Neighbourhood Plans and policies in the Official Plan.

7H) That the Central Area Plan Official Plan Amendment inlcude a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter.

8H) That the Central Area Plan Official Plan Amendment include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies.

9H) That the Central Area Plan Official Plan Amendment include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined.

*10H) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development in line with neighbourhood plan and Official Plan policies:

(i) high density development on the peripheries of neighbourhoods, where appropriate, or in the downtown core, should primarily be medium rise, although some high rise should be permitted.

(ii) development in the centres of neighbourhoods outside the downtown core should be low or medium density, and low or medium rise.

Furthermore, the Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise.

11H) That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the Downtown Core.

*12H) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of density transfers from one site to a nearby site, as a way to facilitate the preservation of heritage buildings upon the former.

*13H) That the Central Area Plan Official Plan Amendment inlcude a policy supporting in certain cases the development for residential purposes of:

(i) the vacant areas which exist at ground level under certain apartment buildings;

(ii) portions of the landscaped areas of existing apartment buildings.

14H) That the Central Area Plan Official Plan Amendment include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the side lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent.

15H) That the Central Area Plan Official Plan Amendment include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street.

16H) That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

(i) to develop new policies and designations for areas currently zoned for high density residential development;

(ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

*17H) That established neighbourhood associations be circulated proposed zoning applications and Committee of Adjustment applications.

*18H) That new multiple residential zoning categories be established that would have the following characteristics:

(i) reduced required side and rear yards;

(ii) front yards related to the setbacks of buildings on adjacent properties;

(iii) reduced landscaping requirements;

(iv) no landscaping bonus;

(v) reduced building height;

These three zones would have height and density provisions in the range of the following:

Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.

Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.

Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

(i) lands zoned "E" could be developed according to the standards of Zone "A";

(ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";

(iii) lands zoned "E-3" could be developed according to the standards of Zone "B".

*19H) That the Zoning By-law be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq. (700 sq. ft.)

*20H) That the Zoning By-law be amended to eliminate the width requirement for all multiple residential zones, in the Central Area.

*21H) That the Zoning By-law be amended to reduce the minimum required lot size to 360 m sq. (4000 sq. ft.) for all residential zones within the Central Area.

*22H) That the Zoning By-law be amended to permit a portion of the landscaped area to be situated on rooftops or terraces.

*23H) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:

(i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

24H) that the Planning Department carry out a housing intensification study, with special emphasis of the Central Area (see also Recommendation 9).

25H) That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of acheiving a greater variety of such uses.

26H) That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.

*27H) That the Planning Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.

28H) That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.

29H) That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.

*30H) That the Planning Department prepare guidelines for the operation of the bonusing system which this Report recommends (Recommendation 6) be incorporated in to the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.

31H) That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.

32H) That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

33H) That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

34H) That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing.

35H) That the owners of the property shown on Map 1 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:

(i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;

(ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;

(iii) the possibility of establishing a heritage district should be considered;

(iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected.

*36H) That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective.

37H) That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications.

DG/dkp

WP 0315P

FOR ACTION

2b.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 1
COMM FILE:
DEPT. FILE: P5-4-7-15

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

High Density Residential Development Study

RECOMMENDATION

a) That the following recommendations be endorsed by Council:
(note * indicates variance from Advisory Committee recommendation).

1P) That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety.

2P) That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area.

3P) That the City pass a resolution urging the Federal and Provincial Governements to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance.

4P) That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" and "Renterprise" Programs, along with the various housing rehabilitation programs under Provincial jurisdiction.

5P) That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparison to the assessment of rental units in the same type of structures.

*6P) That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:

(i) lower building heights;

(ii) building scale, setbacks, and design which are compatible with existing streetscapes;

(iii) innovative design;

(iv) preservation of heritage buildings or of historical features such as building facades;

(v) preservation of trees and other landscape features;

(vi) dedication to the City of useable open space for a public park where appropriate;

(vii) turning over units for subsidized housing;

(viii) providing ground related units suitable for families;

(ix) providing facilities such as day nurseries for community use;

(x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;

(xi) providing enclosed parking.

The granting of planning incentives may be used to achieve the above and would be at the discretion of Council and would be applied on a site by site basis.

7P) That the Central Area Plan Official Plan Amendment include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter.

8P) That the Central Area Plan Official Plan Amendment include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies.

9P) That the Central Area Plan Official Plan Amendment include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined.

*10P a) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:

i) where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.

ii) low density development be located in the centre of neighbourhoods and at a distance from the downtown core.

iii) medium density development be located between low density and high density development.

iv) that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume arterial roads is available.

v) that locations of both density and high rise be determined through the neighbourhood plan.

vi) the appropriateness of development should be judged in accordance with the following criteria:

"where little adverse impact is created on views and vistas particularly the Escarpment and Waterfront, privacy, traffic and street scale and texture."

10P b) The Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise.

11P) That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the Downtown Core.

*12P) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of planning incentives, as a way to facilitate the preservation of heritage buildings upon the former.

*13P a) That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings.

b) That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study.

14P) That the Central Area Plan Official Plan Amendment include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the side lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent.

15P) That the Central Area Plan Official Plan Amendment include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street.

16P) That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

(i) to develop new policies and designations for areas currently zoned for high density residential development;

(ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

*17P a) That notices of public meetings of zonings and Committee of Adjustment application be circulated to appropriate neighbourhood associations.

b) That the Planning and Development Committee be responsible for determining which associations are included in this process.

*18P) That a planning report be prepared by the Planning Department taking into consideration recommendation 18 of the High Density Residential Development Advisory Committee.

*19P) That recommendation 19 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

*20P) That recommendation 20 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

*21P) That recommendation 21 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

*22P) That a planning report be prepared by the Planning Department taking into consideration recommendation 22 of the High Density Residential Development Advisory Committee.

*23P a) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:

(i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

32P) That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

33P) That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

34P) That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing.

35P) That the owners of the property shown on Map 1 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:

(i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;

(ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;

(iii) the possibility of establishing a heritage district should be considered;

(iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected.

NOTE: The Planning Department, along with LACAC, will be responsible for clause (iii).

*36P) That Recommendation 36 of the High Density residential Development Advisory Committee be considered as part of the proposed Housing Intensification Study.

37P) That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications.

NOTE: The proposed work will be priorised along with other projects and a report on financial implications prepared.

38P) That the following recommendation made at the second meeting which is as follows:

"that a committee, similar in make-up to the High Density Residential Study Advisory Committee, be set up to review background material and make recommendations on rent review matters fro consideration by the City"

b) That the site plan application forms be amended to include space for brief impact statements on:

i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

c) That the process be monitored for one year to evaluate impacts.

24P) That the Planning Department carry out a Housing Intensification Study, with special emphasis of the Central Area (see also Recommendation 9).

25P) That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of acheiving a greater variety of such uses.

26P) That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.

*27P) That the Traffic Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.

28P) That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.

29P) That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.

*30P) That the Planning Department prepare guidelines for the operation of a planning incentive system (see Recommendation 6) and that these guidelines be incorporated into the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.

31P) That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.

be tabled until the Planning Department considers the proposal from John Parente and bring back a report to the Planning Committee on both matters.

39P) That the Province be recommended to provide guidelines in consultation with municipalities for dealing with the applications under the Rental Housing Protection Act.

40P) That the City pass a resolution urging the Province to provide the private market with more incentives for private rental housing particularly in the Central Area where land prices are high.

41P) That the City pass a resolution to urge the Province to provide funds to allow the development of small, well designed, well built housing developments that "fit" into the neighbourhood.

42P) That the City pass a resolution asking the Province to provide funds for community relations programs within the non-profit housing programs.

43P) That the City pass a resolution urgin the Federal Government to raise "Maximum Unit Prices" and that a review be undertaken every six months to reflect rising costs.

44P) That the Planning and Development Department draw up development guidelines to enhance crime prevention.

b) That the City report to the Ministry of Municipal Affairs that the study is complete and with a request that the remaining portion of the grant money ($5,000) be forwarded.

V. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

THE PACKAGE OF BACKGROUND MATERIAL INCLUDING BACKGROUND REPORT, MINUTES OF MEETINGS AND OTHER INFORMATION IS AVAILABLE FROM SUSAN REEDER, SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE. TELEPHONE: 526-2753.

FINANCIAL IMPLICATIONS

A number of studies and other actions have been recommended for the Planning Department. Once the studies are determined staff will bring back a report showing ways by which the studies could be undertaken and the alternative financial implications.

BACKGROUND

- In April 1987, the Planning and Development Committee authorised commencement of the High Density Residential Study with with a 50% grant from the Ministry of Municipal Affairs. The objectives of the study, taken from the Central Area Plan, were:

  - significantly increase the number of people living in and around the downtown and provide a variety of housing choices for a mix of household types and incomes.

  - encourage new buildings that create an attractive environment in terms of safety, micro-climate and human scale.

  - place greater emphasis on heritage conservation and integration of new development into the fabric of the neighbourhood.

- In November 1987, a background report was completed which included:

  - factual information relating to high density residential development.

  - analysis of information.

  - possible options for modifying policies and regulations and other City initiatives.

- In January 1988, an advisory committee was established (Appendix 1) and met 11 times to produce a series of recommendations. Appendix 2 contains the recommendations, revised in freehand to reflect comments of clarification received since it was prepared.

- On April 11, 1988 and May 12, 1988 public meetings were held.

- Background material has been circulated separately to each Council member and is available in the Planning Department.

ANALYSIS

The Background Report together with the deliberations of the Advisory Committee became the basis for the recommendations. Attendance at Committee meetings was good and the cross section of representatives was able to engage in constructive dialogue. The Committee was able to reach concensus on the recommendations. The Consultant, A. J. Diamond, supports the recommendations (Appendix 7). The Planning Department support the recommendations of the Advisory Committee as modified in Appendix 2 except as shown in the following cases:

1) That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety.

   - this could enhance the economic viability of older structures by providing for their conversion to new uses. For example, single family residences could be adapted for office use, and older commercial and industrial blocks could be renovated for apartments.

   - the need to meet the standards set out in the Building Code, however, frequently increases the costs of such conversions, or makes them impossible. At present, the Building code makes no special provisions for conversions to commercial uses, and while Section 11 relaxes somewhat the standards that must be met by conversions to residential use, more could be done in this area.

   - background material would be submitted along with the resolution.

   Comment

   The Planning Department supports the recommendation.

2) That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area.

   - this area has the greatest concentration of social service agencies and low-skilled employment opportunities. Furthermore, the hub of the public transit system is in the Central Area.

   - at present, however, high land costs in this part of the City represent a serious impediment to the construction of subsidized housing.

   Comment

   The Planning Department supports the recommendation.

3) That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance.

- such a scheme would encourage the preservation of the existing building stock through subsidizing renovation expenses to owners.

- it should be noted that at the request of the Local Architectural Conservation Advisory Committee, Council on December 9, 1986 passed a resolution supporting the aims of the Buildings Revival Coalition, which include the establishment of Federal tax incentives to encourage building conservation.

Comment

The Planning Department supports the recommendation.

4) That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" and "Renterprise" Programs, along with the various housing rehabilitation programs under Provincial jurisdiction.

- the Convert-to-Rent program helps to increase the City's stock of rental units.

- the Renterprise program encourages the construction of both market rental accommodation and subsidized housing units.

- the Ontario Home Renewal Program (OHRP), the High Rise Rehabilitation Program (HRRP), and the Low Rise rehabilitation Program (LRRP) help to conserve the existing building stock, while the latter also involves an increase in the stock of subsidized housing units.

Comment

The Planning Department supports the recommendation.

5) That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparison to the assessment of rental units in the same type of structures.

- at present, the assessment factor applied to condominium units is the same as that applied to single family homes, even if they are situated in a multiple residential buildings (i.e. one with 6+ units). What this means is that in the assessment placed upon a condominium unit in a multiple residential building is only 40% of that placed upon a rental unit with the same market value.

Comment

The Planning Department supports the recommendation.

6) That the Central Area Plan Official Plan Amendment include a policy supporting in principle increases in the floor area/lot area ratio, decreases in setbacks and landscapes, and additional commercial uses, where appropriate in exchange for:

(i) lower building heights;

(ii) building scale, setbacks, and design which are compatible with existing streetscapes;

(iii) innovative design;

(iv) preservation of heritage buildings or of historical features such as building facades;

(v) preservation of trees and other landscape features;

(vi) dedication to the City of useable open space for a public park where appropriate;

(vii) turning over units for subsidized housing;

(viii) providing ground related units suitable for families;

(ix) providing facilities such as day nurseries for community use;

(x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;

(xi) providing enclosed parking.

The granting of bonuses would be at the discretion of Council, and would be applied on a site-by-site basis in line with planning principles and policy documents e.g. Neighbourhood Plans and policies in the Official Plan. Bonusing guidelines should be incorporated into the Central Area Plan (see Recommendation 30).

- this recommendation represents a way in which the City might achieve some of its social policy and urban design objections, but without imposing further restrictions upon development. Furthermore, the bonusing approach allows for sity-by-site negotiations, meaning that new developments can be tailored to the neighburhood in which they are situated.

Comment

The Planning Department supports the recommendation in principle but feels that planning incentives should be used instead of bonuses to broaden the definition. This could include financial incentives as well as zoning bonuses. The Planning Department supports the following recommendation:

6) That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:

(i) lower building heights;

(ii) building scale, setbacks, and design which are compatible with existing streetscapes;

(iii) innovative design;

(iv) preservation of heritage buildings or of historical features such as building facades;

(v) preservation of trees and other landscape features;

(vi) dedication to the City of useable open space for a public park where appropriate;

(vii) turning over units for subsidized housing;

(viii) providing ground related units suitable for families;

(ix) providing facilities such as day nurseries for community use;

(x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;

(xi) providing enclosed parking.

The granting of planning incentives would be at the discretion of Council and would be applied on a site by site basis in line with planning principles and policy documents e.g. - Neighbourhood Plans and policies in the Official Plan.

7) That the Central Area Plan Official Plan Amendment include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter.

- a lack of on-site parking is an important impediment to the conversion to residential use of downtown commercial buildings, and to the conversion to residential use of the vacant space above store fronts. This recommendation would encourage such conversions in cases where the developer can ensure a supply of parking nearby.

Comment

The Planning Department supports this recommendation.

8) That the Central Area Plan Official Plan Amendment include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies.

- such commercial uses would help foster a richer street life, and would help to increase social integration.

Comment

The Planning Department supports this recommendation.

9) That the Central Area Plan Official Plan Amendment include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined.

- this Report also recommends that housing intensification be the subject of separate study (see Recommendation 24).

Comment

The Planning Department supports this recommendation.

10) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development in line with neighbourhood plan and Official Plan policies:

(i) high density development on the peripheries of neighbourhoods, where appropriate, or in the downtown core, should primarily be medium rise, although some high rise should be permitted.

(ii) development in the centres of neighbourhoods outside the downtown core should be low or medium density, and low or medium rise.

Comment

The Planning Department supports this recommendation in principle but feels that the policies require clarification by separating density from height and supplying locational criteria. The Planning Department supports the following recommendation:

10 a) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:

i) where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.

ii) low density development be located in the centre of neighbourhoods and at a distance from the downtown core.

iii) medium density development be located between low density and high density development.

iv) that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume arterial roads is available.

v) that locations of both density and height be determined through the neighbourhood plan.

vi) the appropriateness of development should be judged in accordance with the following criteria:

"where little adverse impact is created on views and vistas particularly the Escarpment and Waterfront, privacy, traffic and street scale and texture."

10 b) The Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise.

- these recommendations support a development pattern which recognizes a need for multiple residential development of various heights and densities in the Central Area, but which also reduces the impact of such development upon the interiors of neighbourhoods.

11) That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the Downtown Core.

- additional housing in the Downtown Core is a desirable objective, because:

(i) an increase in the resident population would increase the financial viability of retail facilities and would increase public safety, through ensuring that the Downtown does not become deserted in the evening;

(ii) households without access to private transportation benefit from living downtown, because of the concentration of employment opportunities, retail facilities and social services in the Downtown, and because the Downtown represents the hub of the public transportation system;

(iii) these same factors would decrease the number of automobiles other households would need to own.

Comment

The Planning Department supports the recommendation.

12) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of Planning incentives, as a way to facilitate the preservation of heritage buildings upon the former.

- planning incentives represent ways in which buildings of historical and/or architectural merit may be saved from demolition.

Comment

The Planning Department feels that transfer of densities may be one of a number of measures available for heritage preservation. The Planning Department supports the following recommendation:

12) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of planning incentives, as a way to facilitate the preservation of heritage buildings upon the former.

13) That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of:

(i) the vacant areas which exist at ground level under certain apartment buildings;

(ii) portions of the landscaped areas of existing apartment buildings.

- these measures would help to increase the housing stock, and could also lead to improvements in streetscapes, if new development is compatible with existing development.

Comment

The Planning Department supports item (i) but feels item (ii) should be considered as part of the proposed housing intensification study for more detailed examination. The Planning Department supports the following recommendations:

13 a) That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings.

13 b) That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study.

14) That the Central Area Plan Official Plan Amendment include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the side lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent.

Comment

The Planning Department supports the recommendation.

15) That the Central Area Plan Official Plan Amendment include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street.

- this would remove the requirement for large front yards in blocks otherwise occupied by structures situated close to the street, and therefore would help create more compatible streetscapes and a more urban environment.

Comment

The Planning Department supports the recommendation.

16) That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

(i) to develop new policies and designations for areas currently zoned for high density residential development;

(ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

- it is desirable that the Durand Neighbourhood Plan reflect the recommendations contained in this Report. It is evident, however, that consultation is necessary, because certain recommendations on commercial and high density residential development outlined herein are not in the Neighbourhood Plan.

- in the preparation of the Durand Neighbourhood Plan, the designation of those parts of "Durand" within the "E" Zones was deferred until the completion of the High Density Residential Development Study.

Comment

The Planning Department supports the recommendation.

17) That established neighbourhood associations be circulated proposed zoning applications and Committee of Adjustment applications.

- participation by neighbourhood associations could reduce confrontations between the community and the development industries, and could encourage negotiations leading to buildings which are more compatible with existing development.

Comment

The Planning Department sees the benefit of circulating proposed zoning applications and Committee of Adjustment applications to established neighbourhood associations and treating their comments in a similar way to agency comments. However, this may mean slowing down the process and

additional staff time. It is therefore proposed that notifications normally sent to owners and residents within 400 feet (Committee of Adjustment 200 feet) be sent to the established associations.

Circulations should be limited to conserve staff time and associations which qualify should be determined by the Planning Committee.

The Planning Department supports the following recommendation:

17 a) That notices of public meetings of zonings and Committee of Adjustment applications be circulated to the appropriate neighbourhood associations.

17 b) That the Planning and Development Committee be responsible for determining which associations are included in this process.

18) That new multiple residential zoning categories be established that would have the following characteristics:

(i) reduced required side and rear yards;

(ii) front yards related to the setbacks of buildings on adjacent properties;

(iii) reduced landscaping requirements;

(iv) no landscaping bonus;

(v) reduced building height;

These three zones would have height and density provisions in the range of the following:

Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.

Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.

Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

(i) lands zoned "E" could be developed according to the standards of Zone "A";

(ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";

(iii) lands zoned "E-3" could be developed according to the standards of Zone "B".

- this recommendation would permit development which is high density, but low or medium rise. Such development currently is discouraged by the provisions of the "E" Zones.

Comment

The Planning Department feel that more information is needed and that a report on the impact and desirability of the proposal be prepared. The Department supports the following recommendation:

18) That a planning report be prepared by the Planning Department taking into consideration recommendation 18 of the High Density Residential Development Advisory Committee.

19) That the Zoning By-law be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq. (700 sq. ft.)

- this would encourage the creation of additional dwelling units through conversion, thus increasing the Central Area Housing stock.

- at present, the 65 m sq. (700 sq. ft.) standard only applies to apartment units created through conversion. This standard does not apply to apartments in new buildings.

- the provisions of the Building Code, along with market conditions, should be seen to be sufficient to determine unit size.

Comment

The Planning Department feels more information is needed and that the matter should be dealt with as part of the proposed Housing Intensification Study. The Planning Department supports the following recommendation:

19) That recommendation 19 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

20) That the Zoning By-law be amended to eliminate the width requirement for all multiple residential zones, in the Central Area.

- this would permit the creation of one or more new building lots in the interior of a block, with the only frontage on a public street being the required minimum 4.5 m (15 ft.) (needed for an access lane).

- at present, it is difficult to create such lots, because the minimum required width (15 m (50 ft.) in the "E" Zones) must be achieved within 9 m (30 ft.) of a public street. This means that

in cases where separate lots are maintained around the periphery of a block, some of these lots must have a depth of less than this 9 m figure. Thus, the development of the interior of a block currently only is possible where that area is part of a lot with extensive frontage on a public street.

Comment

The Planning Department feels more information is needed and that the matter should be dealt with as part of the proposed Housing Intensification Study. The Planning Department supports the following recommendation:

20) That recommendation 20 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

21) That the Zoning By-law be amended to reduce the minimum required lot size to 360 m sq. (4000 sq. ft.) for all residential zones within the Central Area.

- the present minimum required lot sizes (e.g. 450 m sq. (5000 sq. ft.) in the "E-3" Zone) prevents the creation of new lots of a size currently occupied by many row houses and small single family homes in the Central Area. This measure therefore would permit the construction of housing of a type and scale compatible with much existing development.

- furthermore; this measure would increase the number of cases where the rear portions of existing lots could be legally severed, through reducing the required size of the front portions. The severed portions then could be used as separate building lots (if greater than 360 m sq. (4000 sq. ft.)), or else could be assembled to create a new building lot in the centre of the block (see Recommendation 20).

Comment

The Planning Department feels more information is needed and that the matter should be dealt with as part of the proposed Housing Intensification Study. The Planning Department supports the following recommendation:

21) That recommendation 21 of the High Density Residential Advisory Committee be considered as part of the proposed Housing Intensification Study.

22) That the Zoning By-law be amended to permit a portion of the landscaped area to be situated on rooftops or terraces.

- allowing landscaping in areas other than at grade would permit more intensive urban development, while retaining the same amount of greenspace.

Comment

The Planning Department feels that more information is needed and that a report on the impact and desirability of the proposal be prepared. The Department supports the following recommendation:

22) That a planning report be prepared by the Planning Department taking into consideration recommendation 22 of the High Density Residential Development Advisory Committee.

23) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:

(i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

- this recommendation would make both the developer and the City aware of the urban design issues associated with a particular project. Any negotiations subsequently could proceed on the basis of this information.

Comment

The Planning Department supports the proposal for although additional time may be used at the beginning of the application stage, time may be caught up if the applicant is required to incorporate planning ideas in the original proposal. In addition, the approved plan has the potential to produce a better development. The site plan application form needs amending to allow for brief impact statements.

The Planning Department supports the following recommendation:

23A) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:

(i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

23 b) That the site plan application forms be amended to include space for brief impact statements on:

i) streetscape compatibility (building heights, front and side yard setbacks, etc.);

(ii) shadow casting;

(iii) wind effects;

(iv) views and vistas;

(v) traffic.

c) That the process be monitored for one year to evaluate impacts.

24) That the Planning Department carry out a Housing Intensification Study, with special emphasis of the Central Area (see also Recommendation 9).

- such a study would investigate ways in which the Zoning By-law and other City regulations could be modified to increase the number of dwelling units created through:

(i) the subdivision of existing dwelling units;

(ii) adding onto existing residential structures;

(iii) converting the vacant space above storefronts;

(iv) converting commercial, industrial and institutional buildings to residential use;

(v) other housing intensification initiatives.

- housing intensification represents a way in which the housing stock may be increased without requiring the demolition of existing structures.

Comment

The Planning Department suppports the recommendation.

25) That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of acheiving a greater variety of such uses.

- increasing the variety of home occupations permitted in residential areas would help to widen the variety of services available outside of commercial areas, and would encourage housing preservation by allowing a greater variety of uses.

Comment

The Planning Department suppports the recommendation.

26) That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.

- neighbourhoods characterized by a mixture of commercial and residential uses tend to be more vibrant, and to be characterized by a higher level of social integration.

- however, only a narrow range of commercial uses currently are permitted in the "E" Zones, and these are limited to the ground floors of large multiple residential structures. The only exception to this is the "E-1" Zone, where commercial uses also are permitted on the ground floors of converted dwellings.

Comment

The Planning Department suppports the recommendation.

27) That the Planning Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.

- at present, there is an on-street parking problem in certain parts of the Central Area. It is unclear, however, whether the current reduction in the parking requirement for multiple residential buildings in the Central Area is a contributing factor.

Comment

The Planning Department suppports the study but feels the Traffice Department should carry it out. The Planning Department supports the following recommendation:

27) That the Traffic Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.

28) That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.

- this extension of the program would encourage residential development in cases where it is not feasible to provide sufficient parking (e.g. converted commercial buildings in the downtown). In exchange for cash payments, the City could provide the necessary parking, either in surface lots, or in parking structures. For this recommendation to work, it would be necessary to ensure that parking financed through a residential cash-in-lieu program is situated in the vicinity of the related residential development.

Comment

The Planning Department supports the recommendation.

29) That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.

- additional housing in the Downtown Core is seen to be a desirable objective. At present, however, the provisions of the "H" and "HI" Zones impose strict limitations upon residential development in mixed use buildings, and prohibit many forms of housing, including multiple residential structures.

Comment

The Planning Department suppports the recommendation.

30) That the Planning Department prepare guidelines for the operation of the bonusing system which this Report recommends (Recommendation 6) be incorporated in to the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.

- the establishment of a bonusing system, in which a developer would be offered an increase in the permitted floor area/lot area ratio, reduced setbacks and/or reduced landscaping in exchange for certain concessions represents a way for the City to achieve some of its social policy and urban design objectives.

Comment

The Planning Department supports planning incentives including using increases in floor area/lot area ratio, decreases in setbacks and landscaping and additional commercial uses where appropriate to encourage planning objectives listed in Policy 6. However, planning incentives could

include other matters. The Planning Department supports the following recommendation:

30) That the Planning Department prepare guidelines for the operation of a planning incentive system (see Recommendation 6) and that these guidelines be incorporated into the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.

31) That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.

- this study would lead to guidelines that would help produce development that minimizes shadow and wind effects upon nearby properties and public areas.

Comment

The Planning Department support this recommendation.

32) That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

- this study would encourage development which preserves important views within the Central Area.

Comment

The Planning Department supports this recommendation.

33) That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

- if the recommendations in this report and the housing policies of the Central Area Plan are to be implemented, they should be reflected in these neighbourhood plans.

- involvement by citizen committees represents one way to increase the stock of land available for high density housing without stimulating significant community opposition.

Comment

The Planning Department support this recommendation.

34) That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing.

- at present, there is a significant amount of land in the Central Area which is lying vacant, or, more commonly, being used for parking. A number of these sites would be appropriate for high density housing. Such sites could be sold to private developers, with a commitment that the resulting developments would helpmeet some of the City's social policy and urban design objectives. Any reductions to the stock of public parking could be met through the construction of parking structures on other sites, or through the incorporation of public parking into the developments in question.

- a pilot project by the Development Incentives Sub-Committee currently is examining the block bounded by Queen, Peter, Hess and Napier Streets.

- the recently approved Central Business District Study will provide further guidance in this area.

Comment

The Planning Department support this recommendation.

35) That the owners of the property shown on Map 1 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:

(i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;

(ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;

(iii) the possibility of establishing a heritage district should be considered;

(iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected.

- this recommendation would encourage rezonings that would encourage the preservation of historical structures and streetscapes, but that do not require the City to rezone private property against the will of the owner.

Comment

The Planning Department support this recommendation.

LACAC and the Department should be responsible for clause (iii).

36) That the City increase the awareness of the owners of large underutilized parcles of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective.

- it is possible that certain parcels have not been developed for high density housing.

Comment

The Planning Department feels that more information is needed and that this matter should be considered as part of the proposed Housing Intensification Study.

The Planning Department supports the following recommendation:

36) That Recommendation 36 of the High Density Residential Development Advisory Committee be considered as part of the proposed Housing Intensification Study.

37) That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications.

Comment

The Planning Department support this recommendation. The proposed work will be priorised along with other projects and a report on financial implications prepared.

This completes the analysis of the recommendations of the High Density Residential Development Advisory Committee. The report now proceeds to analyse responses to the Advisory Committee recommendations.

Two written submissions were received as a result of the public meetings. Charles Forsyth supports the recommendations (Appendix 3). He has also offered to work with the City to develop a pilot project to illustrate the new of development to achieve the objectives of the study. Marcel Mongeon makes recommendations about exempting property from rent review (Residential Rent Regulation Act 1986) and about provision of guidelines for the Rental Housing Protection Act.

These subjects had been discussed at the Advisory Committee meetings but because of the complexity of the matter and unlikelihood of achieving consensus a recommendation was not included. After the matter was aired at the second public meeting, it was agreed that the following recommendations be made:

38) That a committee similar in make up to the High Density Residential Study Advisory Committee be set up to review background material and make recommendations on rent review matters for consideration by the City.

Comment

The Planning Department feels that this recommendation should be reviewed along with a letter submitted by John Parente to the Planning and Development Committee. The Planning Department supports the following recommendation:

38P) That the following recommendation made at the second meeting which is as follows:

"that a committee, similar in make-up to the High Density Residential Study Advisory Committee, be set up to review background material and make recommendations on rent review matters fro consideration by the City"

be tabled until the Planning Department considers the proposal from John Parente and bring back a report to the Planning Committee on both matters.

39) That the Province be recommended to provide guidelines in consultation with municipalities for dealing with the applications under the Rental Housing Protection Act.

Comment

The Planning Department supports these recommendations.

In a meeting with Percy Barnett it was proposed that the Province encourage more private market rental housing (in addition to increased levels of funding for subsidized housing in Recommendation 2) as follows:

40) That the City pass a resolution urging the Province to provide the private market with more incentives for private rental housing particularly in the Central Area where land prices are high.

Comment

The Planning Department supports this recommendation.

As a result of participation in the study by the Social Services Department, the following recommendations were made:

41) That the City pass a resolution to urge the Province to provide funds to allow the development of small, well designed, well built housing developments that "fit" into the neighbourhood.

Comment

The Planning Department supports this recommendation since it is in line with the study objectives.

42) That the City pass a resolution asking the Province to provide funds for community relations programs within the non-profit housing programs.

Comment

The Planning Department supports this recommendation since it is in line with the study objectives.

43) That the City pass a resolution urging the Federal Government to raise "Maximum Unit Prices" and that a review be undertaken every six months to reflect rising costs.

Comment

The Planning Department supports this recommendation since it is in line with the study objectives.

The Hamilton-Wentworth Regional Police requested that a study be done on creating crime free environments.

Comment

The following recommendation is supported by the Planning Department since it fits in with the philosophy of creating attractive environments:

44) That the Planning and Development Department draw up development guidelines to enhance crime prevention.

In addition, two submissions were made for the Advisory Committee and were used in the generation of recommendations. (Appendix 5) Common ground spells out a philosophy. Appendix 6, by Percy Barnett, suggests some bonussing provisions and tax incentive measures.

CONCLUSION

The recommendations generated from the study form a strategy for implementing the policies of the Central Area Plan. Current values have been reflected in the recommendations through community participation. Each of the recommendations will require further action by the Planning and Development Committee except those relating to notifications (Recommendation 17) and to site plan control (Recommendation 23). The recommendations should be endorsed by Council and the outstanding funding requested from the Province.

DG/dkp

WP 0315P

APPENDIX 1

MEMBERSHIP: HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY ADVISORY COMMITTEE

ORGANIZATION	REPRESENTATIVE(S)
PLANNING AND DEVELOPMENT COMMITTEE	ALDERMAN DON ROSS
CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE	MARK BOYAK CLODAGH STOKER-LONG
LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE	JOHN NOLAN HOWARK MARK
URBAN DESIGN COMMITTEE	GIL SIMMONS GABRIEL ETELE
DURAND NEIGHBOURHOOD PLAN ADVISORY COMMITTEE	BRUCE CHARLTON
DURAND NEIGHBOURHOOD ASSOCIATION	JANET BLACK JANET SNELGROVE
CORKTOWN-STINSON NEIGHBOURHOOD ASSOCIATION	FRANCOIS ROESCH DAVID COHEN CAROL SAYER
CHAMBER OF COMMERCE	JOHN HRYCZYNSKI
METROPOLITAN HAMILTON REAL ESTATE BOARD	ERNIE GEISEL
HAMILTON AND DISTRICT HOME BUILDER'S ASSOCIATION	PERCY BARNETT
HAMILTON SOCIETY OF ARCHITECTS	RICK BUTTERWORTH MAREK RADOJEWSKI
HESS VILLAGE MERCHANTS ASSOCIATION	SKIP SNELGROVE

Appendix 2

RECOMMENDATIONS:

HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY
ADVISORY COMMITTEE

REVISED FIRST DRAFT
(reviewed by Advisory Committee)

RESOLUTIONS

1. That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety.

   - this could enhance the economic viability of older structures by providing for their conversion to new uses. For example, single family residences could be adapted for office use, and older commercial and industrial blocks could be renovated for apartments.

   - the need to meet the standards set out in the Building Code, however, frequently increases the costs of such conversions, or makes them impossible. At present, the Building Code makes no special provisions for conversions to commercial uses, and while Section 11 relaxes somewhat the standards that must be met by conversions to residential use, more could be done in this area.

   - background material would be submitted along with the resolution.

2. That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area.

   - This area has the greatest concentration of social service agencies and low-skilled employment opportunities. Furthermore, the hub of the public transit system is in the Central Area.

   - at present, however, high land costs in this part of the City represent a serious impediment to the construction of subsidized housing.

3. That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance.

   - such a scheme would encourage the preservation of the existing building stock through subsidizing renovation expenses to owners.
   - it should be noted that at the request of ~~LACAC~~, the Local Architectural Conservation Advisory Committee Council on December 9, 1986 passed a resolution supporting the aims of the BuildingsRevival Coalitions, which include the establishment of Federal tax incentives to encourage ~~heritage~~ building conservation.

4. That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" and "Renterprise" Programs, along with the various housing rehabilitation programs under Provincial jurisdiction.

   - the Convert-to-Rent program helps to increase the City's stock of rental units.
   - the Renterprise program encourages the construction of both market rental accommodation and subsidized housing units.
   - the Ontario Home Renewal Program (OHRP), the High Rise Rehabilitation Program (HRRP), and the Low Rise rehabilitation Program (LRRP) help to conserve the existing building stock, while the latter also involves an increase in the stock of subsidized housing units.

5. That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparision to the assessment of rental units in the same type of structures.

   - at present, the assessment factor applied to condominium units is the same as that applied to single family homes, even if they are situated in a multiple residential buildings (i.e. one with 6+ units). What this means is that in the assessment placed upon a condomium unit in a multiple residential building is only 40 % of that placed upon a rental unit with the same market value.

POLICIES

Official Plan Amendment

6. That the Central Area Plan include a policy supporting in principle increases in the floor area/lot area ratio, decreases in setbacks and landscapes, and additional commercial uses, where appropriate, in exchange for:

(i) lower building heights;

(ii) building scale, setbacks, and design which are compatible with existing streetscapes;

(iii) innovative ~~or energy-efficient~~ design;

(iv) preservation of heritage buildings or of historical features such as building facades;

(v) preservation of trees and other landscape features;

(vi) dedication to the City of useable open space for a public park where appropriate ~~around residential structures, for the development of public open spaces~~;

(vii) turning over units for ~~to a local housing~~ authority, ~~or providing~~ subsidized housing;

(viii) providing ground related units suitable for families;

(ix) providing facilities such as day nurseries for community use;

(x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security

(xi) providing enclosed parking.

The granting of bonuses would be at the discretion of Council, and would be applied on a site-by-site basis. ~~Furthermore,~~ bonusing guidelines should be incorporated into the Central Area Plan (see Recommendation 30).

- this recommendation represents a way in which the City might achieve some of its social policy and urban design objectives, but without imposing further restrictions upon development. Furthermore, the bonusing approach allows for site-by-site negotiations, meaning that new developments can be tailored to the neighbourhood in which they are situated.

in line with planning principles and policy documents eg. Neighbourhood Plans and policies in the Official Plan.

Official Plan Amendment

7. That the Central Area Plan include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter.

   - a lack of on-site parking is an important impediment to the conversion to residential use of downtown commercial buildings, and to the conversion to residential use of the vacant space above store fronts. This recommendation would encourage such conversions in cases where the developer can ensure a supply of parking nearby.

Official Plan Amendment

8. That the Central Area Plan include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies.
   - such commercial uses would help foster a richer street life, and would help to increase social integration.

Official Plan Amendment

9. That the Central Area Plan include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined.

   - residential intensification and infilling can increase the stock of dwelling units, and can help to preserve existing buildings through increasing the economic feasibility of existing structures and properties.

   - this Report also recommends that housing intensification be the subject of a separate study (see Recommendation 24).

Official Plan Amendment

10. That the Central Area Plan include a policy supporting the following pattern for multiple residential development in line with neighbourhood plan and Official Plan policies:

    (i) development on the peripheries of neighbourhoods where appropriate or ~~else situated on major arterials,~~ in the downtown core should primarily be ~~high density and~~ high density medium rise, although some high rise should be permitted.

    (ii) development in the centres of neighbourhoods ~~and not situated on major arterials~~ outside the downtown core should be low or medium density, and low or medium rise.

Official Plan Amendment

Furthermore, the Central Area Plan should provide definitions of the terms low, medium and high density, and low, medium and high rise. This recommendation, however, does not imply automatic support for any rezoning.

- these recommendations support a development pattern which recognizes a need for multiple residential development of various heights and densities in the Central Area, but which also reduces the impact of such development upon the interiors of neighbourhoods.

Official Plan Amendment

11. That the Central Area Plan include a policy encouraging further high density residential development in the Downtown Core.

- additional housing in the Downtown Core is a desirable objective, because:

  (i) an increase in the resident population would increase the financial viability of retail facilities and would increase public safety, through ensuring that the Downtown does not become deserted in the evening;

  (ii) households without access to private transportation benefit from living downtown, because of the concentration of employment opportunities, retail facilities and social services in the Downtown, and because the Downtown represents the hub of the public transportation system;

  (iii) These same factors would decrease the number of automobiles other households would need to own.

Official Plan Amendment

12. That the Central Area Plan include a policy supporting the principle of density transfers from one site to a nearby site, as a way to facilitate the preservation of heritage buildings upon the former.

- density transfers represent one way in which buildings of historical and/or architectural merit may be saved from demolition.

Official Plan Amendment

13. That the Central Area Plan include a policy supporting in certain cases the development for residential purposes of:

    (i) the vacant areas which exist at ground level under certain apartment buildings;

    (ii) portions of the landscaped areas of existing apartment buildings.

    - these measures would help to increase the housing stock, and could also lead to ~~an~~ improvements in streetscapes, if new development is compatible with existing development.

Official Plan Amendment

14. That the Central Area Plan include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent.

    - this would permit the extention of continuous development along a street, thus enhancing exisiting streetscapes.

Official Plan Amendment

15. That the Central Area Plan include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street.

    - this would remove the requirement for large front yards in blocks otherwise occupied by structures situated close to the street, and therefore would help create more compatible streetscapes and a more urban environment.

16. That the Durand Neighbourhood Plan be ~~modified~~ reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:

    (i) to develop new policies and designations for areas currently zoned for high density residential development;

    (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

- it is desirable that the Durand Neighbourhood Plan reflect the recommendations contained in this Report. It is evident, however, that consultation is necessary, because certain recommendations on commercial and high density residential development outlined herein are not reflected in the Neighbourhood Plan.

- in the preparation of the Durand Neighbourhood Plan, the designation of those parts of "Durand" within the "E" Zones was deferred until the completion of the High Density Residential Development Study.

17. That established neighbourhood associations be circulated proposed zoning applications and Committee of Adjustment applications.

- participation by neighbourhood associations could reduce confrontations between the community and the development industries, and could encourage negotiations leading to buildings which are more compatible with existing development.

ZONING

18. That new multiple residential zoning categories be established that would have the following characteristics:

(i) reduced required side and rear yards;

(ii) front yards related to the setbacks of buildings on adjacent properties;

(iii) reduced landscaping requirements;

(iv) no landscaping bonus;

(v) reduced building height;

These three zones would have height and density provisions in the range of the following:

Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.

Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.

Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

(i) lands zoned "E" could be developed according to the standards of Zone "A";

(ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";

(iii) lands zoned "E-3" could be developed according to the standards of Zone "B".

- this recommendation would permit development which is high density, but low or medium rise. Such development currently is discouraged by the provisions of the "E" Zones.

19. That the Zoning Bylaw be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq. (700 s.f.)

- this would encourage the creation of additional dwelling units through conversion, thus increasing the Central Area housing stock.
- at present, the 65 m. sq. (700 s.f.) standard only applies to apartment units created through conversion. This standard does not apply to apartments in new buildings.

- the provisions of the Building Code, along with market conditions, should be seen to be sufficient to determine unit size.

20. That the Zoning Bylaw be amended to eliminate the width requirement for all multiple residential zones, in the Central Area.
- this would permit the creation of one or more new building lots in the interior of a block, with the only frontage on a public street being the required minimum of 4.5 m. (15 ft) (needed for an access lane).

- at present, it is difficult to create such lots, because the mimimum required width (15 m. [60 ft] in the "E" Zones) must be achieved within 9 m. [30 ft] of a public street. This means that in cases where separate lots are maintained around the periphery of a block,

some of these lots must have a depth of less than this 9 m. figure. Thus, the development of the interior of a block currently only is possible where that area is part of a lot with extensive frontage on a public street.

21. That the Zoning Bylaw be amended to reduce the minimum required lot size to 360 m. sq. (4000sf) for all residential zones within the Central Area.

    - the present (5000sf) minimum required lot sizes (e.g. 450 m. sq. in the "E-3" Zone) prevents the creation of new lots of a size currently occupied by many row houses and small single family homes in the Central Area. This measure therefore would permit the construction of housing of a type and scale compatible with much existing development.

    - furthermore; this measure would increase the number of cases where the rear portions of existing lots could be legally severed, through reducing the required size of the ~~the~~ front portions. The severed portions then could be used as separate building lots (if greater than 360 m. sq. (4000sf)), or else could be assembled to create a new building lot in the centre of the block (see Recommendation 20).

22. That the Zoning Bylaw be amended to permit a portion of the landscaped area to be situated on rooftops or terraces.

    - allowing landscaping in areas other than at grade would permit more intensive urban development, while retaining the same amount of greenspace.

OTHER REGULATIONS

23. That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:

    (i) streetscape compatibility (building heights, front and side yard setbacks etc.);

    (ii) shadow casting;

    (iii) wind effects;

    (iv) views and vistas;

    (v) traffic.

- this recommendation would make both the developer and the City aware of the urban design issues associated with a particular project. Any negotiations subsequently could proceed on the basis of this information.

DEPARTMENT INITIATIVES

24. That the Planning Department carry out a housing intensification study, with special emphasis of the Central Area (see also Recommendation 9).

    - such a study would investigate ways in which the Zoning Bylaw and other City regulations could be modified to increase the number of dwelling units created through:

        (i) the subdivision of existing dwelling units;

        (ii) adding onto existing residential structures;

        (iii) converting the vacant space above storefronts;

        (iv) converting commercial, industrial and institutional buildings to residential use.

        (v) other housing intensification initiatives.

    - housing intensification represents a way in which the housing stock may be increased without requiring the demolition of existing strucures.

25. That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of achieving a greater variety of such uses.

    - increasing the variety of home occupations permitted in residential areas would help to widen the variety of services available outside of commercial areas, and would encourage housing preservation by allowing a greater variety of uses.

26. That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.

    - neighbourhoods characterized by a mixture of commercial and residential uses tend to be more vibrant, and to be characterized by a higher level of social integration.

- however, only a narrow range of commercial uses currently are permitted in the "E" Zones, and these are limited to the ground floors of large multiple residential structures. The only exception to this is the "E-1" Zone, where commercial uses also are permitted on the ground floors of converted dwellings.

27. That the Planning Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.

    - at present, there is an on-street parking problem in certain parts of the Central Area. It is unclear, however, whether the current reduction in the parking requirement for multiple residential buildings in the Central Area is a contributing factor.

28. That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.

    - This extention of the program would encourage residential development in cases where it is not feasible to provide sufficient parking (e.g. converted commercial buildings in the downtown). In exchange for cash payments, the City could provide the necessary parking, either in surface lots, or in parking structures. For this recommendation to work, it would be necessary to ensure that parking financed through a residential cash-in-lieu program is situated in the vicinity of the related residential development.

29. That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.

    - additional housing in the Downtown Core is seen to be a desirable objective. At present, however, the provisions of the "H" and "HI" Zones impose strict limitations upon residential development in mixed use buildings, and prohibit many forms of housing, including multiple residential structures. ~~Moreover, the "J" and "JJ" Zones prohibit residential uses altogether~~.

30. That the Planning Department prepare guidelines for the operation of the bonusing system which this Report recommends be incorporated into the Central Area Plan (Recommendation 6). ~~(see Recommendation 6). These guidelines would be used~~ for use as a basis for decisions by the Committee of Adjustment and Council.

    - the establishment of a bonusing system, in which a developer would be offered an increase in the permitted floor area/lot area ratio, reduced setbacks and/or reduced landscaping in exchange for certain concessions represents a way for the City to achieve some of its social policy and urban design objectives. At the same time, however, such a system would have to be devised carefully and implemented with caution, to ensure that the City does not give up too much in exchange for little.

31. That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.

    - this study would lead to guidelines that would help produce development that minimizes shadow and wind effects upon nearby properties and public areas.

32. That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

    - this study would encourage development which preserves important views within the Central Area.

33. That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

    - if the recommendations in this report and the housing policies of the Central Area Plan are to be implemented, they should be reflected in these neighbourhood plans.

    - involvement by citizen committees represents one way to increase the stock of land available for high density housing without stimulating significant community opposition.

CITY DEVELOPMENT INITIATIVES

34. That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing.

    - at present, there is a significant amount of land in the Central Area which is lying vacant, or, more commonly, being used for parking. A number of these sites would be appropriate for high density housing. Such sites could be sold to private developers, with a commitment that the resulting developments would help meet some of the City's social policy and urban design objectives. Any reductions to the stock of public parking could be met through the construction of parking structures on other sites, or through the incorporation of public parking into the developments in question.

    - a pilot project by the Development Incentives Sub-Committee currently is examining the block bounded by Queen, Peter, Hess and Napier Streets.

    - the recently approved Central Business District Study will provide further guidance in this area.

APPROACHES TO PROPERTY OWNERS

35. That the owners of the property shown on Map 3 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:

    (i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;

    (ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;

    (iii) the possibility of establishing a heritage district should be considered;

    (iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected.

- this recommendation would encourage rezonings that would encourage the preservation of historical structures and streetscapes, but that do not require the City to rezone private property against the will of the owner.

36. That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective.

    - it is possible that certain parcels have not been developed for high density housing because the existing Neighbourhood Plans and the Zoning Bylaw discourage or prohibit this use, and as a result the owner has come to the conclusion that the City would not support residential development upon them. which permit this use and could usefully be used for this use eg commercial plaza at John and Forest.

STAFF

37. That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications.

    - it is essential to have the necessary personnel to implement the recommendations of this report, and to ensure that residential development is not slowed down due to staff shortages in City Hall.

Appendix 3



FIRST-PILGRIM UNITED CHURCH

200 Main Street East, Hamilton, Ontario L8N 1H3, Phone 522-9900

"A CHURCH THAT IS A COMMUNITY PARTNER"

May 25, 1988

Planning & Development Committee,
Alderman John Smith, Chairman,
The Corporation of the City of Hamilton,
City Hall,
Hamilton, Ontario, L8N 3T4

Members of the Planning & Development Committee:

Re: High Density Residential Development
Study & Recommendations

On behalf of this Congregation, and as a member of the Central Area Plan Implementation Committee, I wish to express support for the High Density Residential Development Study Report and the Recommendations that flow from it.

A major objective of the City must be not only to significantly increase the numbers of persons living in the downtown and its environs (making it thereby a 'living city centre'), but also to encourage a 'human scale' of development (which means a diversity of types of housing types, in-fill development, and a 'texture' of street-level of commercial and professional uses that will yield an interesting and lively urban streetscape).

As members of the Committee and City Planning staff know, this Congregation is committed to roles as a "community partner". In this connection, we are anxious to work with others (for-profit as well as non-profit organisations) to achieve such objectives for the Central Area of Hamilton. But this is impossible without:

i - more flexible zoning, site-plan, and other arrangements
ii - planning regulations and instruments that ensure a more effective 'fit' between projects and the fabric of the neighbourhood; and
iii - a strong commitment by the City to promote such diversified, human-scale development.

Members of the Committee are aware that revitalization of urban downtown areas must provide for viable and varied residentia neighbourhoods. This has been the case in Boston, for example, and in many other urban jurisdictions.

It is our view that Hamilton has significant opportunities for such renewal and development of its Central Area. We are also convinced that with clear and committed leadership by the City, these opportunities will be realized.

It is my hope that the Planning and Development Committee, and the City Council, will support the Recommendations arising from the High Density Residential Development Study, and in so doing, encourage a creative process of renewal and development in the Central City area.

Yours truly,

Charles H. Forsyth
Minister

CHF.mb

cc Alderman D Christopherson
David Godley

Appendix 4

JOHN DYDZAK ENTERPRISES LIMITED

400 EAST 42ND STREET
SUITE 108
HAMILTON, ONTARIO
L8T 3B1
Phone 385-1405

SUBMISSIONS TO THE HIGH DENSITY
RESIDENTIAL DEVELOPMENT STUDY
ADVISORY COMMITTEE

SUBMITTED BY: Marcel D. Mongeon
John Dydzak Enterprises Limited

RESOLUTIONS:

1. That the City pass a resolution urging the Province to modify the Residential Rent Regulation Act, 1986 to exempt newly constructed rental premises from the rent control regime for a period of ten (10) years from their first occupation.

   - rent control has seriously affected the construction of new private-sector rental housing. Developers seeking to maximize their profits and avoiding the heavily controlled rental market are instead developing relatively expensive condominiums. An exemption from rent controls would help encourage the development of rental accommodation instead.

   - the fact that the private sector is not developing rental accommodations because of rent-control has put a greater burden on municipal and other public-sector housing authorities and agencies to develop these units. Because of funding and procurement constraints, public sector development is both slow and expensive. Private-sector development should be encouraged to alleviate these problems.

2. That the City pass a resolution urging the Province to modify the Residential Rent Regulation Act, 1986 to allow municipalities to determine for themselves if they want the rent control regime to apply.

   - rent control legislation was originally introduced in 1975 to correct problems perceived to exist in the Municipality of Metropolitan Toronto. Subsequent adjustments have had the same focus. Although the perceived problems may have been corrected for Toronto by this legislation, they have created a new and different problem for Hamilton - the lack of rental housing.

MEMBER CHARACTER CREDIT BUREAU

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- although it is an unpopular issue, the proposed Sunday opening legislation has recognized the concept of local initiative in a field of provincial influence. If the principle of local initiative in rent control was adopted, Hamilton could decide for itself if rent control was stimulating or hindering development.

- Hamilton could use a local initiative option in rent control in the same way as zoning bonusing. Rent control exemptions could be granted to fulfill planning objectives for particular sites. Alternately, a global objective could be encouraged by for example, eliminating rent controls for the central district if the vacancy rate goes above 2%. Above this rate, market forces would be an effective control on rents as developers rent units at a lower cost to minimize their own vacancies.

POLICIES

3. That the City introduce policies as to how the Rental Housing Protection Act ("RHPA") will be applied in order to stimulate the development of more rental residential units.

- The few applications made to date in Hamilton under the RHPA have been difficult to deal with because of the lack of any policies or guidelines. For example, a recent application for demolition was approved on the basis of a last-minute relocation plan for the existing tenants. There is no guarantee that any other application which included a similar plan would also be approved and, therefore, such uncertainty might lead to a developer not giving a new project proper consideration.

- the RHPA particularly affects the Central Area because of the large number of rental units in it. If any redevelopment of particular sites in the Central Area is to take place, an RHPA application will undoubtedly be required. Policies concerning the following issues under the RHPA should accordingly be prepared:

    a) the definition of "affordable" rents:

    b) relocation of existing tenants; and

    c) what constitutes an increase or a decrease in the availability of "affordable housing".

These policies should be formulated in a fashion permitting input from all areas, groups and persons concerned.

Appendix 5

HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY ADVISORY COMMITTEE

COMMON GROUND 29th February, 1988

Summary of Ideas from: Percy Barnett
Diane Brown
Mark Boyak
Ernie Geisel
John Hryczynski

1. There should be NO downzoning

2. Increase High Density Residential Development by amending existing Bylaws to allow higher residential development throughout a majority of the study area

3. Respect previous residential density to correspond to a minimum of the 1951 Zoning Bylaw for those sites already down-zoned

4. Increase or decrease of property values should not have any influence on the process and results of zoning and planning

5. The demands of the marketplace will dictate development not idealism; freedom of choice and trends should be listened to, the entrepreneur who is putting his money on the line should be given more creditability

6. Cut Red Tape in the processing system

7. Planning from a zoning perspective should not differentiate between "end use" be it condo or rental unit

8. Do not differentiate the realty assessment between rental units vs. condo units, encourage tax equity

9. Parking
   a) reduce necessity of on-site parking, let marketplace satisfy the needs
      - various alternatives are joint-use of parking ramps, separate and self contained parking ramp to serve surrounding area.

   b) do not relate parking requirements to density by the # of units in a building

10. Encourage joint use of facilities between buildings i.e. pools, sauna recreation area, parking
    - one approach would be by encouraging inter-connection of building both above and below grade
    - Bridging over alleways to connect building, could preserve older commercial areas while coverage is maintained it would also clean up alleys and make rear properties accessible to Main Street

11. Encourage "Multiplexing" of existing buildings, relax red tape and building code requirements

12. Allow multi-use infilling and intensification of existing stock and land by:

    a) multiplexing
    b) permit infilling between stilts at ground floor level of existing buildings, for example #33 Robinson and #172 Bay St.S. This will eliminate wasted space in structures and increase street safety
    c) encourage more commercial development in residential areas especially geared to the local use
    d) within existing buildings, i.e.penthouses, lower levels, wasted space should be reviewed and encourage legal use for residential units if not fully developed

13. Encourage enclosed balconies of reasonable (solarium) size because of climate, but do not include in density of building

14. Encourage greater residential development in commercial zonings especially H, I and HI.

15. If voluntary downzoning occurs, this should not be allowed to affect abutting or surrounding properties, i.e. it should not negatively reduce development potential in the area

16. Building height, wind effect and shadow aspects, architectural design (including materials and colours, should only be a subject of reasonable persuasion with encouraged guidelines. It should not be enforced or used as a time delay in development. Note: York Boulevard canopy idea
    - these are all perceptive opinions not universal in agreement

17. LACAC should compensate monetarily for its restrictions when in place, if properties are of importance $ should be made available to buy and restore buildings similar to Sandford Place
    - encourage preservation by tax incentives to restore and carry on the use of building
    - cut red tape in classification restrictions on demolition and processing of grants to restore
    - encourage preservation through retention of historic "FACADES" within new development
    - use density bonus as means of encouragement to save historic buildings

18. Relax requirements for green areas, set backs and street scaping, encourage development of "useable" green space that is well maintained

19. Relax size requirements for apartment units, let marketplace dictate demand

20. City Council should consider making a statement to upper level government that Rent Control discourages multi-residential development and changes are needed immediately to relieve shortage of rental units - the shortage of supply actually causes rent increases

21. Tax revenue potential or lack thereof should not affect support for or against development

22. Development requirements should apply equally to private and public development.

23. Council should change its attitude because currently they discourage rental development by making it difficult to convert existing or proposed buildings to condos. Therefore all private development goes as condo initially.

24. Zoning bylaws should build in provision that upon request (i.e. staff or public) that outdated zoning be reviewed and adopted to satisfy current needs.

Appendix 6

HAMILTON & DISTRICT HOME BUILDERS' ASSOCIATION
(Representative: Percy Barnett)

February 29, 1988

RE: HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY

Mr. Chairman, members of the Advisory Committee and distinguished staff members, I am delighted that our City Council authorized the creation of this Committee to study and provide written recommendations, promoting the revitalization of Downtown residential developments. The Hamilton and District Home Builders' Association which I represent, fully supports and endorsed this study and in particular the guidelines as stated earlier this year by M. David Godley of the Planning Dept. in his opening remarks to this Committee and in particular:-
"There should be more high density developments in the Downtown, etc."

Separately prepared for your approval by to-night's invited speakers, is a unified and collectively endorsed list of recommended changes to many existing limitations and constraints in the building of multiple residential and high density developments for downtown Hamilton. To-night, it will be presented, with adequate copies for all concerned.

Ladies and Gentlemen, in my opinion, one of the prime reasons for this Development Study is due to the fact that for the past twelve years not a single new rental high density development was built in downtown Hamilton. Why? Can this situation be remedied? Yes! It will, if we provide realistic recommendations to our City Council. Furthermore. as always, every development project must be proven economically feasible, before any construction begins. Utopian dreams for Hamilton or elsewhere, without recourse to adequate funding can only end abruptly in disaster. Hamiltonians have witnessed too many local white elephants.

With reference to Grants for Rental developments, from either the Dominion or Provincial governments, these are no longer available in Hamilton. For this and other reasons, I trust this Committee will be fit to support any reasonable recommendation that may help reduce the developer's financial obligations.

Our Municipality can be of great assistance without any cash donations, through the Bonus system to developers. Namely: Improved Density Controls, minimized pre-construction levies or special assessments and by introducing a Realty Tax moratorium, etc. Furthermore, eliminate wasteful red-Tape by streamlining or minimizing time limits for the planning process, for the issuing of building or other permits and the provision for adequate inspections.

Towards these special objectives, itemized herein is a brief list of seven items, that should be helpful to the Council when it considers other recommendations:-

1. Provision of Parking facilities should carry a Bonus of 1,000 sq. ft. of additional Gross Floor area, for each additional parking space above minimum requirements. (This Bonus to include waving maximum permitted building height.)

2. Provision of recreational facilities (Such as Tennis Court, game room, swimming pool, etc.) should carry a Bonus of additional Gross Floor area to a ratio of 3 for 1.

3. Provision for a minimum of doubling the density factor currently existing for any applicable zoning schedules, provided the new high density development is prepared to provide its residential units for rental purposes for 5 years. (If half the Apt. units are committed for rentals, then the density increase could only be 1/2 above the applicable zoning schedule.) This development may be built as a condo, due to current Rent Control legislation.

4. Provision of pre-school facilities for child care, in any zoning, should be encouraged and carry a Bonus of additional Gross Floor area to a ratio of 5 for 1. (This provision will encourage rentals to working parents with children.)

5. Infilling of existing open spaces in high rise rental bldgs. on any floor, including Roof Area, should be encouraged and density factors waved for this purpose, without penalty.

6. Infilling as in item 5 above and any conversions to rental apartments should be compensated, without impositions of levies, special assessments etc. Preferably a tax moratorium for a minimum of the first year, should be implemented.

7. Currently scheduled higher levies for new apartment units should be cancelled and preferably, eliminate all levies for new apartment developments. A moratorium of the first year Realty Taxes could be a real sign for inviting new developments.

These recommendations would encourage rental construction; however, the most important factor is beyond municipal control and that is rent control. It is my firm belief that more rental construction would result from the repeal of rent control laws than all the incentives that I have just recommended. If rent control laws were repealed and my recommendations were adopted, the housing situation would very abruptly change.

Many thanks for your time and attention.

Percy Barnett

P. Barnett.

A.J. Diamond Planners Limited

Appendix 7

May 4, 1988

Mr. David Godley
Manager, Neighbourhood Section
Planning and Development Department
Regional Municipality of Hamilton Wentworth
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Godley:

Re: High Density Residential Development
Study Recommendations

Further to our many conversations concerning high density residential development in Hamilton and our participation in the above-mentioned study, I would like to make comments on the recommendations that have resulted from the study. In particular as the recommendations concern urban design and private development and as they result from a public advisory committee process, I feel well qualified to make comment.

There is no question that if the recommendations are translated into by-law, resulting construction will be more sympathetic to its immediate context, the streetscape and the neighbourhood. It marks an exciting step forward to address urban design issues which will help to make a functional, attractive and effective downtown core.

From the perspective of the private developer, the fact that the permitted densities have remained the same and that the study allows for a generous bonusing system are positive recommendations. The only problem from the developer's perspective would be if the recommendations result in complications or lengthy delays for approvals. This type of problem, however, is not directly related to the recommendations themselves. Rather, it is a function of how the recommendations are translated into by-law.

.../2

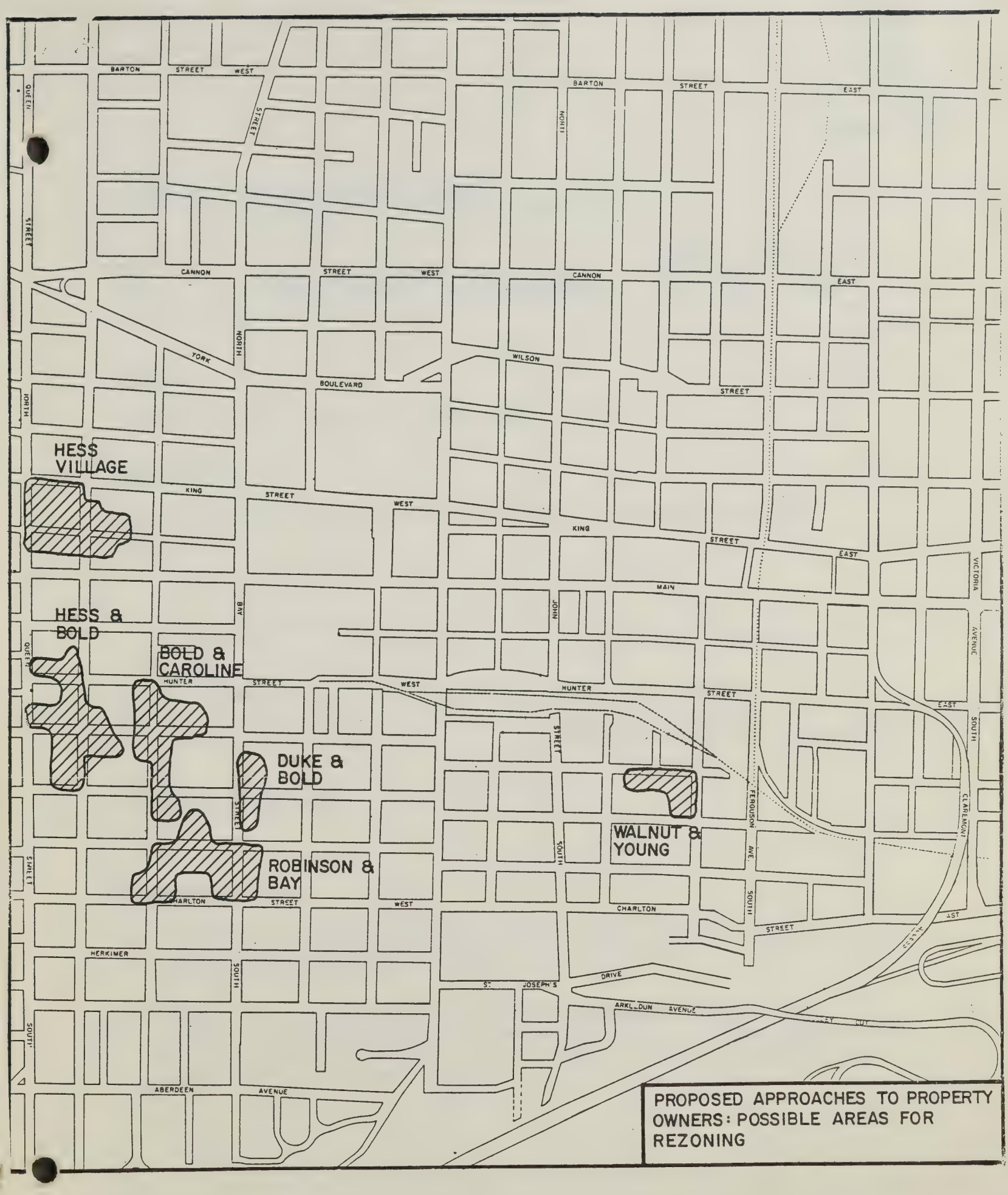
In acting as planning consultants, our firm is often involved in public meetings and with ad hoc public committees to carry out project work. Having witnessed both the committee in progress and the resulting recommendations, the advisory committee and staff are to be congratulated for a difficult job well done. The recommendations clearly address the wide range of concerns brought forward by the committee in a coherent and comprehensive format.

I fully support the overall direction and detailed recommendations resulting from the study and public process and I wish you success as you move into the phase of implementing the recommendations.

Sincerely,

Robert Marshall
Senior Planner

RM/dl



HIGH DENSITY RESIDENTIAL STUDY

MAP 1

FOR ACTION

3.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 31

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: P5-2-86

SUBJECT:

Proposed Plan for Kernighan Neighbourhood.

RECOMMENDATION

That the proposed Kernighan Plan and policies as attached be adopted by Council.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- The Region is implementing a plan for the installation of a trunk sewer between Upper James Street and West 5th Street, which will service the Kernighan Neighbourhood.

- Consequently, a neighbourhood study was commenced in August, 1987. Background information was collected on land use, ownership, topography, etc., and a plan and written policies prepared based on the general guidelines in the Official Plan.

- o The Kernighan Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the neighbourhood and a commercial and apartments area in the east of the neighbourhood. It is based on sound planning principles within the framework of the Official Plan.

- o A report was prepared by the Planning Department dated February 9, 1988 outlining the objectives of the Kernighan Plan and recommending that a Public Meeting be held to discuss the proposed plan. This recommendation was approved at the Planning and Development Committee Meeting on February 24, 1988.

- o A Public Meeting was held on March 16, 1988 to discuss the proposed neighbourhood plan.

The following items were discussed at the Public Meeting:

- objections to townhouse proposals;

- possible enlargement of park site;

- the elimination of surface flooding due to the installation of sewers;

- there were some questions on the commercial lands; and,

- proposed bridging of West 5th Street over the proposed East-West Arterial Expressway.

ANALYSIS

Background information including the Planning Department report dated February 9, 1988, the minutes of the public meeting and the summary of submissions are available on request from Susan Reeder, Planning and Development Committee Secretary.

Submissions 1-31, 35, 37 - Townhouse Designation at Stone Church.

1.	Mrs. I. Hill	115 Annabelle Street
2.	Mrs. M. Fazzari	122 " "
3.	Mrs. J. Dehaan	136 " "
4.	Mr. A. Codognotto	144 " "
5.	Mr. L. Rush	166 " "
6.	Mr. A. Mazzetti	169 " "
	Mr. & Mrs. V. Scornatenchi	177 " "
7.	Ms. D. Scornatenchi	177 " "
	Mr. P. Scornatenchi	177 " "
8.	Mr. N. MacInnis	185 " "
9.	Mr. and Mrs. G. O. Stefano	195 " "

10. Mr. & Mrs. J. Martinson	27 Stone Church Road
11. Mr. & Mrs. Johns	33 " " "
12. Mr. V. Milne	37 " " "
Mr. & Mrs. G. Boutilier	41 " " "
13. Ms. T. Boutilier	41 " " "
Mr. B. Boutilier	41 " " "
Mr. L. Kerschman	41 " " "
14. Mr. & Mrs. J. Bodor	53 " " "
15. Mr. & Mrs. J. Parsons	73 " " "
16. Mrs. H. Burton	77 " " "
17. Mr. & Mrs. K. Spencer	83 " " "
18. Mr. & Mrs. R. Wittchen	89 " " "
19. Mr. L. Farronato	823 West 5th Street
20. Mr. F. Fontana	832 " " "
21. Mrs. M. Bortolotto	843 " " "
22. Mr. C. Menegon	854 " " "
23. Mr. J. Godfrey	918 " " "
24. Mrs. P. Comeau	921 " " "
25. Mrs. D. Lane	930 " " "
26. Mr. & Mrs. F. Lalli	974 " " "
27. Mr. R. MacDermid	982 " " "
D. Vickers	982 " " "
28. Mr. & Mrs. L. Zoccolillo	990 " " "
29. Mr. and Mrs. J. Ferguson	1029 " " "
30. The Ronald Family	831 " " "
31. Mr. & Mrs. G. Baker	898 " " "

The residents object to the proposed attached housing designation and zoning amendment from "AA" to "RT-20" (Townhouses) for lands at the north-east corner of West 5th Street and Stone Church Road for the following reasons:

- they feel that attached housing is inconsistant with the perimeter existing housing, which is single family;

- they are concerned that this zoning change, if granted, will seriously reduce the market value of present homes in the area; and,

- they are of the view that an increase in the number of persons living in this area would aggravate the high traffic flow which already exists in this area, thereby creating a safety hazard.

Comment

The proposed "attached housing" area at West 5th Street and Stone Church Road is the only townhouse site designated in this neighbourhood. It is important that this site be designated and developed for townhouses, in order to meet the following requirements of planning policy, housing demand and design efficiency:

- Subsection A.2.1.8 of the City of Hamilton's Official Plan states that:

  "It is the intent of Council that a variety of housing styles, types and densities be available in all residential areas of the City."

- Affordable housing is a key local issue with over 1,000 households on the Hamilton-Wentworth Housing Authority waiting list.

- The Province have made housing affordability a priority and have recently changed the Planning Act to include "the provision of a range of housing types" as a matter of Provincial interest.

- There is a critical shortage of developable townhouse sites available in the City. The only remaining sites currently zoned for townhouses are located at:

  - the south-east corner of Limeridge Road East and Upper Wellington Street; and,

  - the west side of Upper Wentworth Street between Stone Church Road East and Rymal Road.

- The proposed site is appropriate for townhouse development, since it is located at the perimeter of the neighbourhood and at the intersection of two arterial roads, onto which combined accesses can be provided.

- The residential densities of the area, used to design sewer and road capacity, have been calculated based on the inclusion of the proposed townhouse site.

- The provision of higher densities enables better energy efficiency and lower servicing costs: e.g., sewers, transport, fire. Higher densities also generate higher tax assessment.

35 Mr. M. Wasserman, 229 King Street East

On February 11, 1988, he applied for a zoning change from "AA" (Agricultural) to "RT-20" (Townhouses) for 72 Stone Church Road West, at the northeast corner of West 5th Street and Stone Church Road.

Comment

The applicant's application complies with the "attached housing" designation in the proposed plan. This designation is appropriate and desirable for all of the reasons mentioned in the preceding analysis.

Submission 36 Proposed Townhouses on West 5th Street

36 Mr. V. Citino, 59 Bonaventure Drive

On April 6, 1988, applied for a zoning change from "AA" (Agricultural) to "C" (Urban Protected Residential) and "RT-20" (Townhouse) for 945 West 5th Street.

Comment

The applicant's application does not comply. The proposed townhouse site would mean the elimination of one of the three access roads to this neighbourhood, which would not leave adequate access for traffic management and safety. Since the remaining cul-de-sacs would be too long, there are no other appropriate locations for access routes. The development for townhouses would also eliminate the desirable interior linkage of the neighbourhood.

Although there is a high demand for townhouse development, the proposed site at the corner of West 5th Street and Stone Church road will serve this purpose. It is a larger site, on the periphery of the neighbourhood with direct access to two arterial roads.

Submissions 30, 31 and 34 - Commercial Designation

34. Mr. H. Mark, on behalf of John Bear Pontiac Buick, 1200 Upper James Street is requesting the extension of the commercial land use designation up to the proposed new road allowance, which is required for the satisfactory operation of his client's business. He feels that a road would be an appropriate buffer between the commercial and residential uses.

30., The Ronald family and Mr. and Mrs. G. Backer object to the Howard Mark
31. proposal on behalf of John Bear Pontiac Buick to extend the commercial land use designaion up to the proposed road. They are concerned about intrusion of commercial into the proposed residential area. They feel that the commercial depth is sufficient.

Comment

The Neighbourhood Plan shows a 20-foot planting strip which also would provide the desired buffer between the commercial and residential uses. However, extension of the area up to the proposed street for parking purposes is acceptable, providing that:

- no access be permitted from the proposed street to the commercial area;

- a 30-foot landscaping strip be provided enclosing a landscaped berm; and,

- the property owners are responsible for half of the proposed road allowance (35 feet), including cost-sharing of the proposed road.

These conditions will apply also to the Mother's and Swiss Chalet properties at 1170 and 1180 Upper James Street.

Submissions 30, 32 and 33 - West 5th Street Overpass

32. Mr. & Mrs. R. Herman, 831 West 5th Street;

33. Mr. & Mrs. D. Arnold, 925 West 5th Street;

These citizens, in addition to the Ronalds family at 831 West 5th Street, suggest that West 5th Street should be terminated on both sides of the proposed Mountain Freeway, which would allow the residents to maintain their present access onto West 5th Street.

Comment

The Project Co-ordinator of the Regional Mountain East-West and North-South Transportation Corridor has commented that grade separation of West 5th Street is required and that residents will be involved at the design stage. The Neighbourhood Plan, therefore, follows the Regional policy concerning grade separation of West 5th Street. The correspondence of the Project Co-ordinator is available upon request from Susan Reeder, Secretary, Planning and Development Committee.

Submissions 30, 31 and 33 - Park Designation

30. The Ronalds family, 831 West 5th Street, Mr. and Mrs. G. Baker of 898
31. West 5th Street, and Mr. and Mrs. D. Arnold suggest that the City
33. purchase additional lands to expand the park and recreational area, possibly from the Board of Education lands.

Comment

According to the Official Plan standards (which require one acre of neighbourhood park for each 1,000 population) 1.3 acres are required to serve the population of this neighbourhood. The park is located adjacent to a school site. An additional .4 acres would be required if the school site disappears, according to the Official Plan standards. The proposed park is 1.4 acres, and therefore meets the standard.

We have been notified by the Board of Education that the Board has no immediate plans to build a school, but will retain ownership of the land. It is possible for the City to enter into an agreement with the Board of Education to use the Board's land on an interim basis for park and recreational purposes. In the future, if the Board of Education determines that the lands are surplus to their needs, then the City will have the opportunity to purchase a portion of the lands.

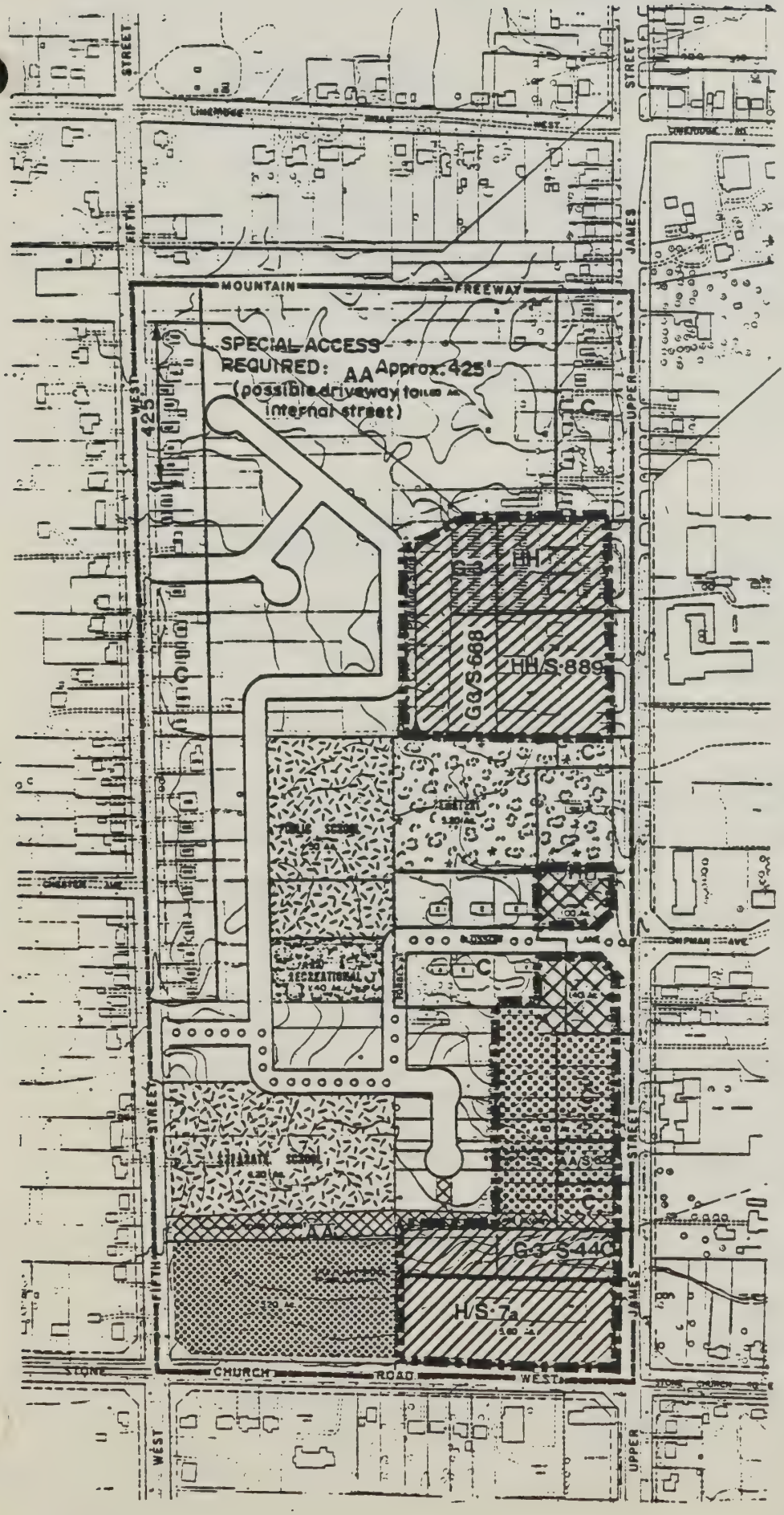
CONCLUSION

The attached neighbourhood plan and policies should be adopted. The only change from the plan presented at the public meeting is the extension of the commerical area to the west of John Bear Motors at 1170, 1180 and 1200 Upper James Street, up to the location of the proposed new road. Appropriate buffering and access restrictions will be provided.

A possible bikeway route has also been identified along Blossom Lane, Forbes Street and the proposed new roads to the west, to enable development of an appropriate link to the City-wide system for bicycle users.

VG:GG:CS
Attach.
0157P

APPENDIX "A"



EXISTING POPULATION (1985) 146

Areas Subject to Urban Design Guidelines

Possible Bikeway Route

Separate School Lands

Public School Lands

City Lands

Jewish Cemetery Lands

NOTE: EXISTING TREES IN THE CENTRE OF FORBES STREET ARE TO BE MAINTAINED.

NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE AND REVISION. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary

Zoning Boundary

Approvals

Planning Comm. ..... Council .....

Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

KERNIGHAN
PROPOSED PLAN

NORTH

KERNIGHAN NEIGHBOURHOOD PLAN

DRAFT POLICIES

I. INTRODUCTION

The Kernighan Neighbourhood Plan has been developed to help ensure the orderly development of the neighbourhood. It defines the type and location of the various land uses which are to be encouraged, as well as a description of the manner in which these are to be developed.

The Plan consists of the following two parts:

- a map of the land concept, attached as Appendix "A"; and,
- a set of written policies, which follow.

II BACKGROUND

The Neighbourhood Plan is being prepared at this time since the southern portion of these lands is presently being serviced with sewers, and will be available for development in the near future.

The policies in the Plan have been based on the existing planning policies for the area, and are to be revised based on input from municipal staff and property owners.

The existing planning policies for the Kernighan area include:

- the land use designations and policies in the City of Hamilton Official Plan, which designate areas in the neighbourhood for residential, commercial, major institutional and open space uses; and,

- Official Plan Amendments, such as O.P.A. No. 28, which redesignated the lands fronting on Upper James Street to permit various types of commercial uses.

Further information on these policies and other planning issues is contained in the Background Information Report for Kernighan.

The neighbourhood planning process includes several steps to ensure opportunity for review and revision of the draft policies, including:

- collection and compilation of background information on all aspects related to planning of the neighbourhood;

- preparation of draft land use concept and policies, which are circulated to municipal staff for comments;

- public meeting to discuss the details of draft policies with area residents and land owners; and,

- revision and adoption of the final plan by Committee and Council.

III NEIGHBOURHOOD PLAN

A. Goals

There are three major goals which the Kernighan Neighbourhood Plan attempts to achieve, namely:

- neighbourhood self-sufficiency;
- efficient and attractive design; and,
- a viable commercial area on Upper James Street.

B. Policies

The following sections contain the planning policies, which are grouped by land use types.

1. RESIDENTIAL

- The predominant form of land use in the Kernighan Neighbourhood will be low density residential and related uses.
- Residential development will include:
  - existing single-family homes along West 5th Street and Blossom Lane;
  - new single- and double-family homes in the interior;
  - new attached housing, townhouse units at West 5th Street and Stone Church Road;
  - new residential units in mixed-use commercial and apartments area along Upper James Street, south of Blossom Lane.
- Residential development will be encouraged which:
  - is compatible with height and density of adjacent development;
  - is innovative in design e.g., energy-efficient; and,
  - includes a variety of housing sizes, densities, types and costs.
- Higher density residential uses will be located at the exterior of the neighbourhood.
- The residential component of the mixed use area north of Stone Church and east of West Fifth will be encouraged.
- Home occupations will be permitted within residential areas, as long as these are compatible with residential areas.

2. COMMERCIAL

- A variety of commercial uses will be encouraged along Upper James Street, in a planned fashion, to effectively serve the needs of local residents and others, including:
  - General Commercial uses at the northeast and southeast corners of the neighbourhood;
  - Neighbourhood Commercial uses at the midblock node, on the north and south corners of Blossom Lane; and,
  - Commercial and Apartments uses on Upper James Street, further south of Blossom Lane.
- Existing Commercial uses will be permitted to remain.
- The Urban Design Guidelines for the Upper James Street Corridor, attached as Appendix "B", will be used to help ensure the uniform and aesthetic design of features such as building setbacks, parking, access, landscaping and buffering.

3. PUBLIC AND INSTITUTIONAL USES

- The two sites in Kernighan designated for possible schools will be developed if and when these schools are required, to provide:
  - a public school site in the interior of the neighbourhood; and,
  - a separate school site near the southwest corner of the neighbourhood on West 5th Street, north of Stone Church Road.
- These school sites will be well-integrated with the surrounding land uses, and designed to permit use of facilities to serve the needs of all neighbourhood residents. Conversion of school sites or school buildings to provide other uses will be considered if the school facilities are not required.
- Religious institutions will be encouraged to develop in the exterior of the neighbourhood, in a manner compatible with surrounding uses. The lands at Upper James Street and Stone Church Road which are designated for Multi-Centre uses in the Official Plan would be an appropriate location for such uses.

4. PARKS, RECREATION AND OPEN SPACE

- A neighbourhood park, approximately 0.6 hectares (1.4 acres) in size, will be developed in the interior of the neighbourhood, to provide for active and passive recreational activities.

- Other recreational areas and facilities will be encouraged to complement the neighbourhood park, such as within the two proposed school sites, and in adjacent neighbourhoods.

- The existing 2.1 hectare (5.2 acre) cemetery on Upper James Street, north of Blossom Lane, will be retained as cemetery and open space area.

5. COMMUNITY SERVICES

- Adequate community services will be provided to serve the growing needs of Kernighan residents, including library services, police, fire, ambulance and other related services.

6. TRANSPORTATION

- New and extended local roads will be provided in Kernighan to enable the efficient development of the area.

- The design of local roads will consider safety, use of passive solar energy, and restriction of access to arterial roads, where appropriate.

- The proposed Mountain Freeway at the north of the neighbourhood will be developed so as to minimize impacts on adjacent residents, by means such as landscaping and berms, provided within deep lots, in accordance with current requirements.

- Special access design will be considered for properties along West 5th Street within 130 m (425 ft.) of the proposed freeway, such as shared driveways.

- Pedestrian facilities such as sidewalks will be provided to access generators such as schools, parks and commercial areas.

- The provision of sufficient width in the road cross section to provide separate bicycle paths will be considered where warranted.

- A location for a possible bicycle path has been identified along Blossom Lane, Forbes Street, and the proposed road to West 5th Street.

- HSR transit routes will be extended and expanded as necessary, in accordance with future route locations, to provide convenient service for neighbourhood residents.

7. VEGETATION

- Existing vegetation will be retained wherever possible, including woodlots and borders of mature trees, in the interior of the neighbourhood and along arterial roads.

- The existing trees in the centre of Forbes Street are to be maintained, by appropriate design and width of the new roadway.

- New trees and other landscaping will be added where possible, such as along arterial roads and on private property. The Urban Design Guidelines for Upper James Street landscaping requirements will be implemented to provide a landscaped strip to the front and the rear of commercial developments in this section.

- Use of new landscaping to maximize the use of passive solar energy for heating buildings will be promoted.

8. URBAN DESIGN

- The design of new commercial developments along Upper James Street will be in accordance with the Urban Design Guidelines for this area to provide features such as uniform front building setbacks, landscaping strips at front and rear, etc.

- An open space area will be provided at the northwest corner of Upper James Street and Stone Church Road as part of an Urban Design scheme to set off Barton Stone United Church.

- Heritage buildings with historical and/or architectural significance will be preserved where possible.

9. INFRASTRUCTURE

- Full municipal services, including storm and sanitary sewers and adequate water supply will be provided for residents of the neighbourhood. Sewer services are presently being extended to the neighbourhood.

- New developments will be permitted only in areas to which municipal services have been extended.

10. PLAN IMPLEMENTATION

- This plan, when adopted by City Council, will form the framework for the future development of the neighbourhood.

- The plan is intended to be flexible enough to allow for changes which reflect the general goals of the Plan.

- Neighbourhood Plan Amendments will be required only when there are significant changes in the neighbourhood.

- Any significant changes will require input from the citizens affected, and will be approved by City Council.

APPENDIX "B"

URBAN DESIGN GUIDELINES

UPPER JAMES STREET CORRIDOR

(KERNIGHAN SECTION)

Upper James Street is one of the major entrances to the City, as well as a developing commercial area. A variety of commercial uses will be encouraged, to serve the needs of local residents and the whole City.

Urban Design Guidelines have been prepared to help co-ordinate the future development of this area. These will help ensure that aspects such as the location of landscaping, access points, parking areas and building setbacks are adequate and uniform to enhance the apparance of this area.

There are three types of commercial land use planned for this corridor, as shown on the land use concept in Appendix "A". These areas are to be developed in accordance with the following guidelines which apply to new development or redevelopment only:

1) Commercial - General

Location

- Northern section of James Street frontage, from just north of Cemetery lands to proposed Mountain Freeway interchange lands.
- Also, southern section of James Street frontage, from sewer easement to Stone Church Road.

Permitted Uses for Redevelopment

- A wide range of commercial uses.
- Appropriate uses include retail, personal services, automotive service stations, etc.

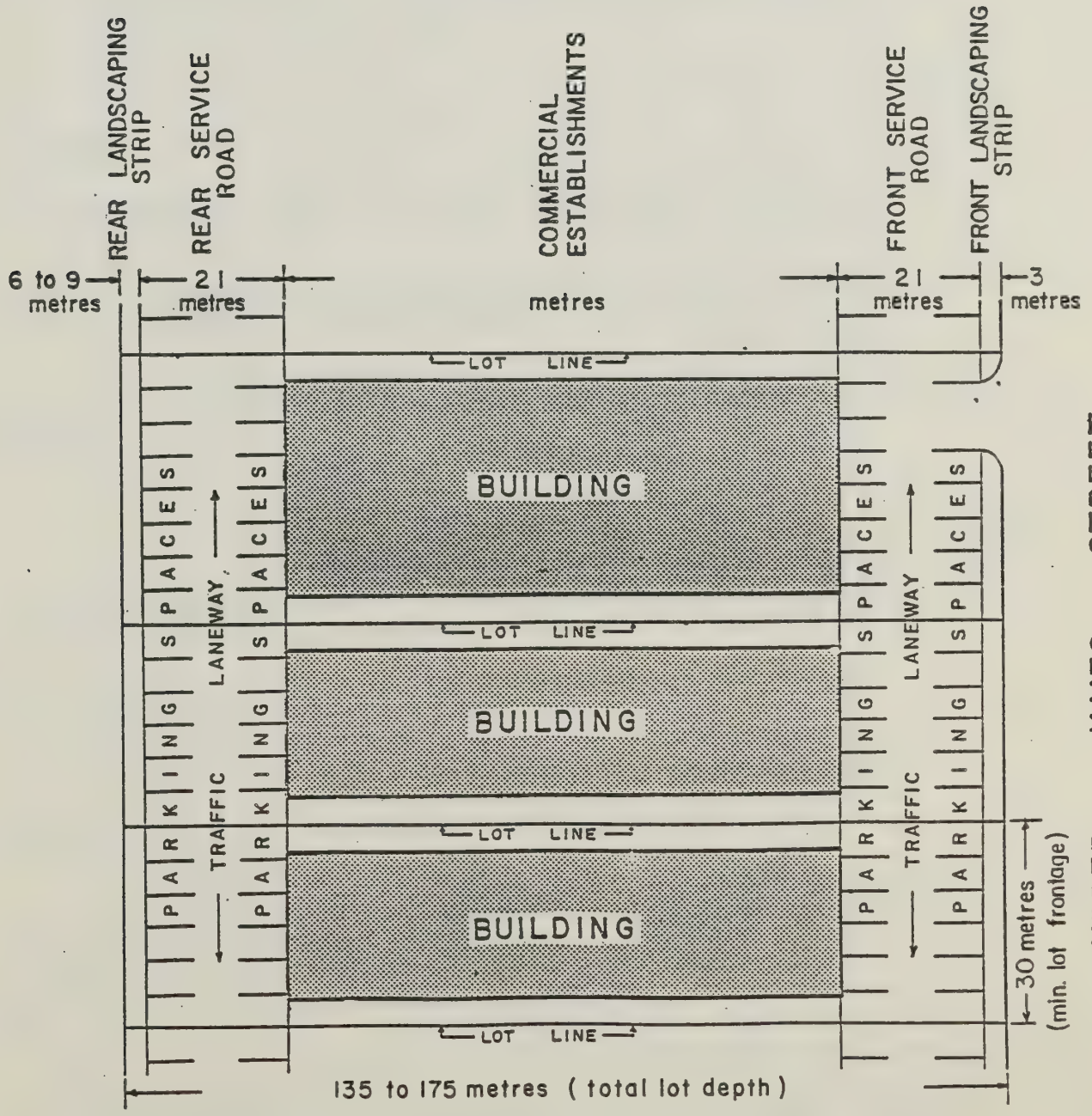
Design

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.
- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:
  - two rows of parking spaces, on the east and west sides
  - a traffic laneway running north-south, between the parking spaces.
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.

URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR
KERNIGHAN SECTION

Example of Commercial Area Design for:

1) Commercial - General
and 2) Commercial & Apartments



- Front and rear service roads to be linked betwen adjacent properties.

- Rear landscaping strip 6 m (20 ft.) in depth, along rear property line. This landscaping will be provided by the commercial property owner, within commercial lands. Rear strip of 9 m (30 ft.) for lands at north of neighbourhood.

- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street.

- Lots with less than this minimum frontage will be considered in special cases.

- Depth of approximately 135 m (440 ft.) in northern section, and 175 m (570 ft.) in southern section, including rear landscaped strip.

- Vehicular access from Upper James Street by means of a limited number of driveways, the number and location to be determined by land use types and traffic generated.

Special Features

- Existing uses in the northern commercial section are assumed to have appropriate building setbacks and parking layout.

- In the southern commercial section, a special open space area will be provided on the north-west corner of Upper James Street and Stone Church Road on private property outside of the widened road allowance.

    - The permitted uses for this special area will include open space, landscaping features, and possibly well-screened parking.

    - The purpose is to preserve and enhance the appearance of the Barton Stone United Church, which is an attractive, historical building and landmark located on the south-west corner of the intersection.

    - This open space area will be approximately 30 m (100 ft.) deep by 30 m (100 ft.) wide, on each corner of the intersection. Proposals with less than this amount of area will be reviewed on the basis of their ability to provide an attractive landscaped area.

2) Commercial and Apartments

Location

- Southern section of Upper James Street frontage, from 64 m (210 ft.) south of Blossom Lane, to the sewer easement located approximately 105 m (350 ft.) north of Stone Church Road.

Permitted Uses for Redevelopment

- Ground floor or first two floors for a broad range of commercial uses, including general commercial, retail, wholesale, warehouse, etc.

- Upper floors for residential apartments, rental or condominium.

Design

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.

- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:

  - two rows of parking spaces, on the east and west sides
  - a traffic laneway running north-south, between the parking spaces

- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.

- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.

- Front and rear service roads to be linked between adjacent properties.

- Rear landscaping strip 6 m (20 ft.) in depth, along rear property line within commercial lands, to be provided by commercial property owner.

- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street.

- Lots with less than this minimum frontage will be considered in special cases.

- Depth of approximately 90 m (300 ft.).

Special Features

- Vehicular access to this area will be by means of a limited number of driveways, the number and location to be determined by land use types and traffic generated.

- Front and rear service roads will be linked between adjacent properties.

3) Neighbourhood Commercial

Location

- Halfway between proposed Mountain Freeway and Stone Church Road, on north and south sides of Blossom Lane.

Permitted Uses for Redevelopment

- Retail and service uses for the adjacent neighbourhood, such as convenience stores, personal services, professional offices.

- Non-highway commercial uses. Gas stations and related uses are to be discouraged.

- Commercial and apartments mixed use may be considered, but such uses should be directed if possible to the designated "Commercial and Apartments" lands immediately to the south.

Design

- Angular strip plazas, facing towards both Upper James Street and Blossom Lane.

- A triangular open area reserved for pedestrians on the front corners, approximately 310 sq. m (11,000 sq. ft.) in size on each corner.

- Parking area located to the rear of the plazas.

- Building height of one to two stories for commercial uses.

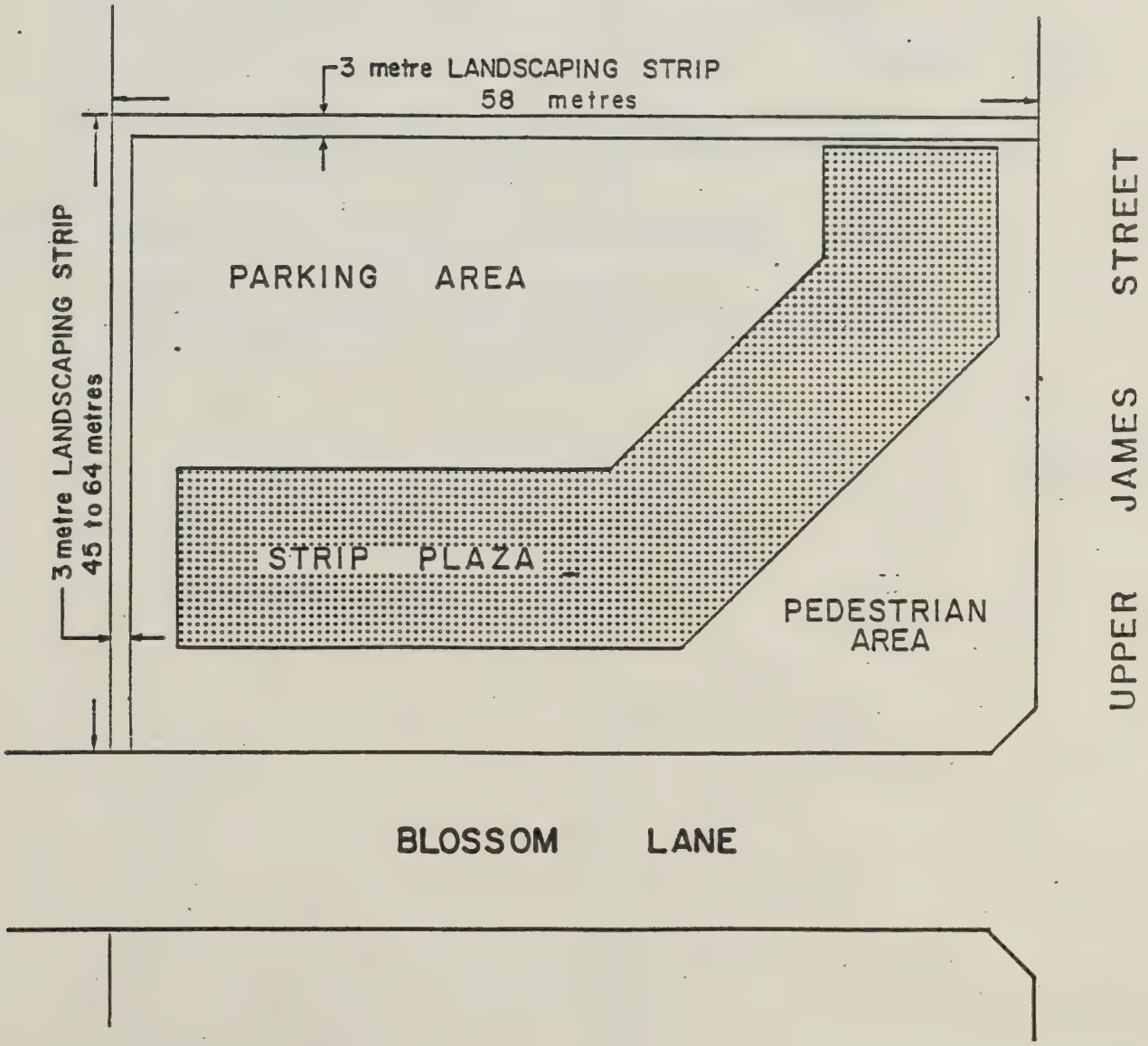
  Maximum building height of 3 to 4 stories, if residential apartments included on upper floors.

- Rear landscaping strip 6 m (20 ft.) in depth, along rear property line, within commercial lands, to be provided by commercial property owner.

URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR
KERNIGHAN SECTION

Example of Commercial Area Design for:

3) Neighbourhood Commercial



Area Size

- North of Blossom Lane, designated area has frontage of 45 m (140 ft.) along Upper James Street, and depth of 58 m (190 ft.) along Blossom Lane, including 6 m (20 ft.) rear landscaping.

- South of Blossom Lane, designated area has frontage of 64 m (210 ft.) along Upper James Street, and frontage of 58 m (190 ft.) along Blossom Lane, including 6 m (20 ft.) rear landscaping.

Special Features

- Pedestrian areas and amenities to be included to encourage neighbourhood residents to walk to this area.

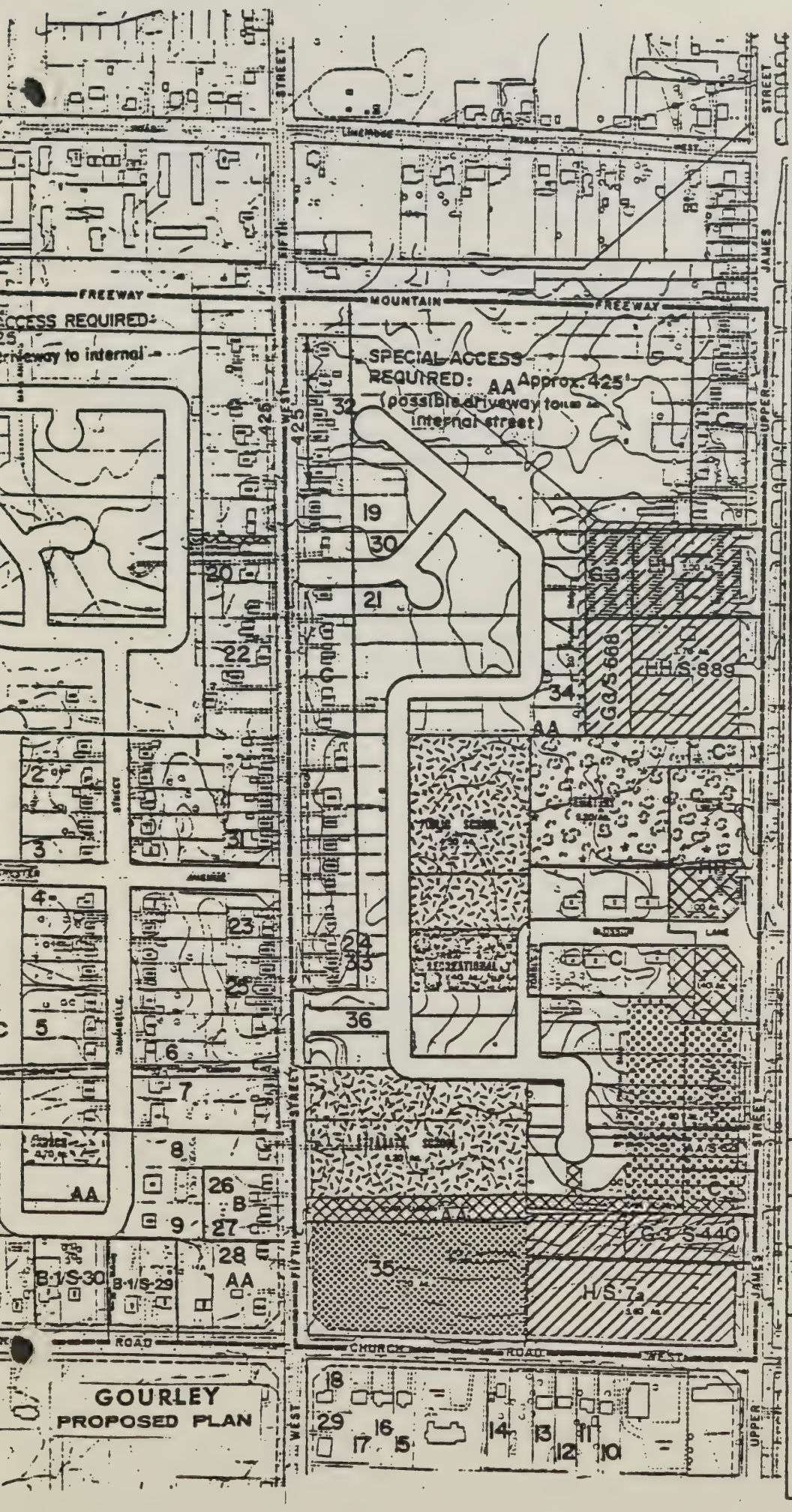
- Street furniture to be provided in front open area, including benches, attractive lighting, as well as landscaping.

- Entire area to be developed as a whole, or in two large parcels, to enable implementation of the desired design.

VG:CS
0125P

APPENDIX "3" - SUMMARY OF SUBMISSIONS

1.	Mrs. I. Hill	115 Annabelle Street
2.	Mrs. M. Fazzari	122 " "
3.	Mrs. J. Dehaan	136 " "
4.	Mr. A. Codognotto	144 " "
5.	Mr. L. Rush	166 " "
6.	Mr. A. Mazzetti	169 " "
	Mr. & Mrs. V. Scornatenchi	177 " "
7.	Ms. D. Scornatenchi	177 " "
	Mr. P. Scornatenchi	177 " "
8.	Mr. N. MacInnis	185 " "
9.	Mr. and Mrs. G. O. Stefano	195 " "
10.	Mr. & Mrs. J. Martinson	27 Stone Church Road
11.	Mr. & Mrs. Johns	33 " "
		"
12.	Mr. V. Milne	37 " "
		"
	Mr. & Mrs. G. Boutilier	41 " "
		"
13.	Ms. T. Boutilier	41 " "
		"
	Mr. B. Boutilier	41 " "
		"
	Mr. L. Kerschman	41 " "
		"
14.	Mr. & Mrs. J. Bodor	53 " "
		"
15.	Mr. & Mrs. J. Parsons	73 " "
		"
16.	Mrs. H. Burton	77 " "
		"
17.	Mr. & Mrs. K. Spencer	83 " "
		"
18.	Mr. & Mrs. R. Wittchen	89 " "
		"
19.	Mr. L. Farronato	823 West 5th Street
20.	Mr. F. Fontana	832 " " "
21.	Mrs. M. Bortolotto	843 " " "
22.	Mr. C. Menegon	854 " " "
23.	Mr. J. Godfrey	918 " " "
24.	Mrs. P. Comeau	921 " " "
25.	Mrs. D. Lane	930 " " "
26.	Mr. & Mrs. F. Lalli	974 " " "
27.	Mr. R. MacDermid	982 " " "
	D. Vickers	982 " " "
28.	Mr. & Mrs. L. Zoccolillo	990 " " "
29.	Mr. and Mrs. J. Ferguson	1029 " " "
30.	The Ronald Family	831 " " "
31.	Mr. & Mrs. G. Baker	898 " " "
32.	Mr. & Mrs. R. Herman	831 " " "
33.	Mr. & Mrs. D. Arnold	925 " " "
34.	Mr. H. Mark	1200 Upper James Street
35.	Mr. M. Wasserman	229 King Street East
36.	Mr. V. Citino	59 Bonaventure Drive



EXISTING POPULATION (1985) 146

Separate School Lands
Public School Lands
City Lands
Jewish Cemetery Lands

NOTE: EXISTING TREES IN THE CENTRE OF FORBES STREET ARE TO BE MAINTAINED.

NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE AND REVISION. FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

NEIGH'D COMMERCIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Comm. _____ Council _____
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

KERNIGHAN
PROPOSED PLAN

NORTH

4.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 20
COMM FILE:
DEPT. FILE:ZA-88-14
Kernighan
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - vacant lands at the north-east corner of West 5th Street and Stone Church Road West to permit a townhouse development.

RECOMMENDATION

(a) That approval be given to Zoning Application ZA-88-14, Marvin J. Wasserman, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District, for property located at the north-east corner of West 5th Street and Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That The subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map ;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District for property located at the north-east corner of West 5th Street and Stone Church Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for the purpose of pemitting townhouse dwellings.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants intention to develop the subject lands in accordance with the intent of the Kernighan Neighbourhood Plan which proposes Attached Housing Development.

APPLICANT

Marvin J. Wasserman, owner

LOT SIZE AND AREA

- 95.021 m (311.75 ft) of lot frontage on West 5th Street;
- 183.067 m (600.61 ft) of lot frontage on Stone Church Road West; and,
- 1.79 ha (4.43 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant lands and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc)
District		
to the south	single-family dwellings and a church	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	car dealership	"H" (Community Shopping and Commercial, etc.) District
to the west	single-family dwellings	"AA" (Agricultural) District and "B" (Suburban Agriculture Residential District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" on the draft proposed Kernighan Neighbourhood Plan. The Keringhan Neighbourhood Plan was the subject of a public meeting held by the Planning and Development Committee on March 16, 1988 to obtain input from property owners to the proposed plan. A second public meeting is scheduled by the Planning and Development Committee on June 8, 1988, prior to hearing this application,to consider alternative proposals and to make a recommendation for adoption by City Council.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The exact number of units will be calculated on the land area after any road widenings have been deducted"

- The Traffic Department has advised that:

  "The application to rezone the subject lands to RT-20 appears to be satisfactory, however, we recommend that the application be tabled until such time as the neighbourhood plan is finalized.

- The Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "public watermains are available to service the subject lands. Storm and sanitary sewers are currently under construction at this time and we anticipate completion this year.

  The designated road allowance width of Stone Church Road and West 5th Street is 30.48 m (100 ft) with a 12.19 x 12.19 m (40 x 40 ft) daylight triangle from the widened limits. Therefore, as a condition of Site Plan approval, we recommend that:

  1. Sufficient land be dedicated to the Region to establish the property line 15.24 m (50 ft) from the centreline of the original West 5th Street road allowance;

  2. Sufficient land be dedicated to the Region to establish the property line 15.25 m (50 ft) from the centreline of the original Stone Church Road road allowance;

  3. Sufficient lands be dedicated to the Region to establish a 12.19 x 12.19 m (40 x 40 ft) daylight triangle from the widened limits of Stone Church Road and West 5th Street.

Any work within the adjacent road allowances, as widened, must conform to the Region's Road Use By-law.

Comments from the City of Hamilton Traffic Department should be considered with respect to any access or access design.

For the information of the applicant, there is a sewer easement immediately north of the subject lands."

COMMENTS

1. The proposal complies with the Official Plan.

2. Upon adoption of the recommended Kernighan Neighbourhood by Planning & Development Committee and City Council, the proposal will comply with the intent of the Kernighan Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - The subject lands are situated on the pheriphery of the Kernighan Neighbourhood at the intersection of two arterial roads where such higher density development is encouraged to locate.

   - The proposed townhouse development being situated along the arterial road frontages will act as a transitional use between the arterial roadway system, and proposed single-family development to the interior of the neighbourhood.

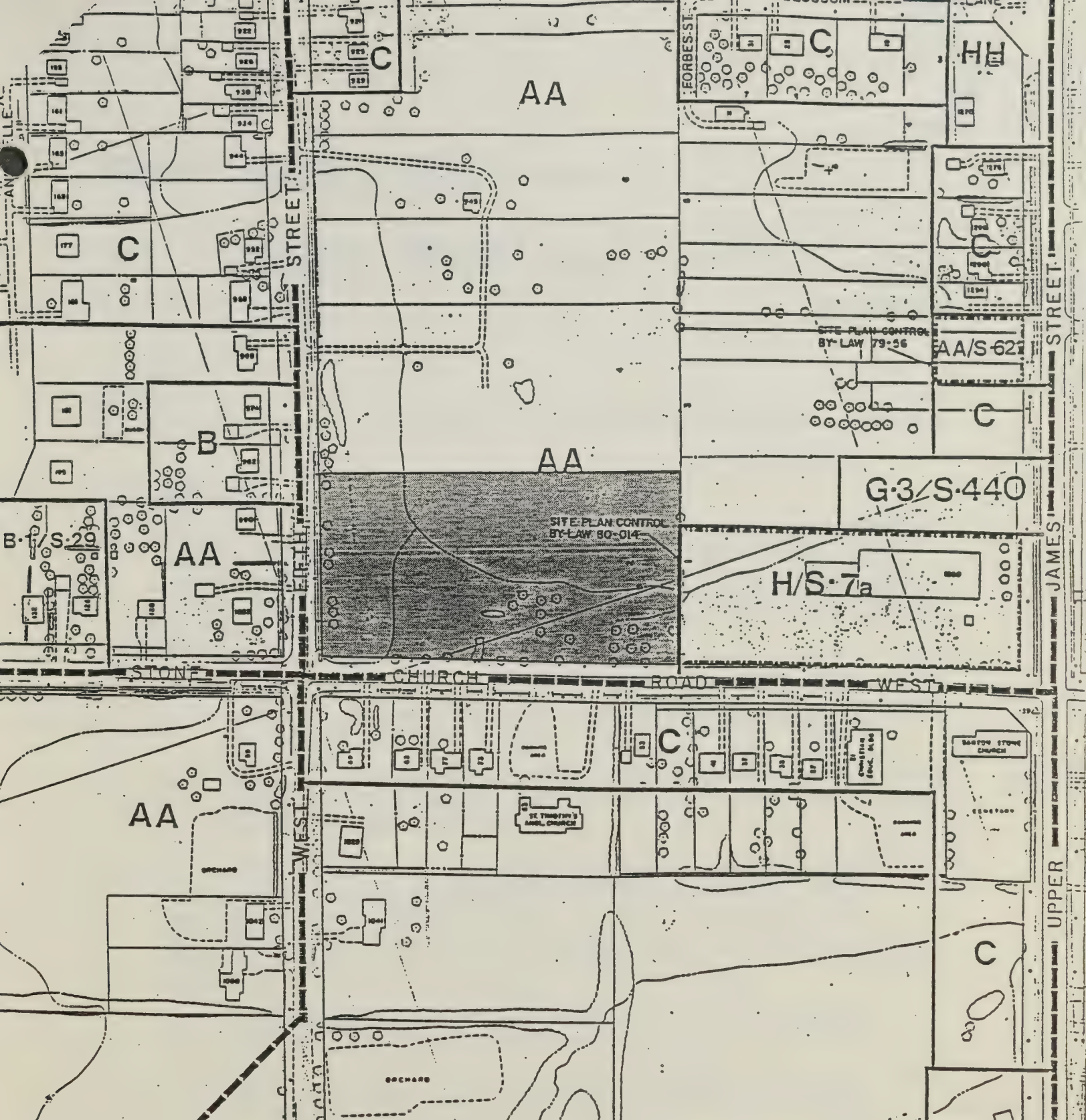
4. Development of the subject lands for townhouses is subject to the provisions of the Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to landscaping parking, grading, driveway access, fencing, site layout, etc., can be further reviewed at the Site Plan Control stage of the development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma

WP 0217P



LEGEND

SITE OF THE APPLICATION.

ZA 88-14

APPENDIX A

FOR ACTION

5.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 25

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-38
KERNIGHAN
NEIGHBOURHOOD

SUBJECT

Request for changes in zoning for the lands located at No. 945 West 5th Street.

RECOMMENDATIONS

A) That Zoning Application ZA-88-38, Vincent Citino, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:

i) It conflicts with the proposed Kernighan Neighbourhood Plan which designates the lands for single and double housing. In addition, the subject lands are located within the proposed local road.

ii) There is sufficient land (2.1 ha on the northeast corner of Stone Church road East and West Fifth Street) designated for townhouses in the proposed draft plan.

B) That approval be given to an amended Zoning Application for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, (Blocks "1" and "2") to permit the development of the subject lands for future single family dwellings, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Area.

EXPLANATORY NOTE

The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the lands located at No. 945 West 5th Street, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for single family dwellings.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

APPLICANT

Vincent Citino, owner.

LOT SIZE AND AREA

Block "1"

0.04 ha (0.1 ac)

Block "2"

- 65.78 m (215.81 ft) of lot frontage;
- 187.74 m (615.06 ft) of lot depth; and,
- 1.23 ha (3.06 ac) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District.
Surrounding Lands		
To the North and East	vacant, single family dwellings	"AA" (Agricultural) District. "C" (Urban Protected Residential, etc.) District
To the South	vacant	"AA" (Agricultural) District.
To the West	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

"Block 1" is designated for "Single and Double" Housing in the proposed Kernighan Neighbourhood Plan. The proposal complies.

"Block 2" is designated for "Single and Dougle" Housing. A redesignation to "Attached Housing" is required to permit the proposal.

COMMENTS RECEIVED

- The Traffic Department has advised that:

  "...the proposed zoning is in conflict with the draft neighbourhood plan."

- The Hamilton Region Conservation Authority and Building Department have no objections or comments.

o The Hamilton-Wentworth Engineering Department has advised that:

"that public watermains are available to service the subject lands. Sanitary and storm sewers are currently under construction and are not yet available for servicing.

The designated road allowance width of West 5th Street is 30.48 m (100 ft.) As a condition of approval we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centre line of the original road allowance.

Any work within the road allowance must conform to the Region's Roads Use By-law.

According to the neighbourhood plan, the subject lands are designated for single, double housing and street purposes. To ensure orderly development of this area, we recommend, as a condition of approval, that the applicant/owner enter into a subdivision agreement with the Region and the City to establish the proposed neighbourhood street etc."

COMMENTS

1) The proposal (both blocks) complies with the Official Plan.

2) Block "1" complies with the draft Kernighan Neighbourhood Plan. Block "2" requires a redesignation from "Single and Double" housing to "Attached" Housing and the elimination of the roadway to permit the proposal.

3) The townhouses on Block "2" cannot be supported for the following reasons:

   a) It conflicts with the draft neighbourhood plan.

   b) There is sufficient land (2.1 ha on the northeast corner of Stone Church Road) designated for townhouses in the proposed draft plan.

4) An amended application to permit single family dwellings on Blocks "1" and "2" can be supported for the following reasons:

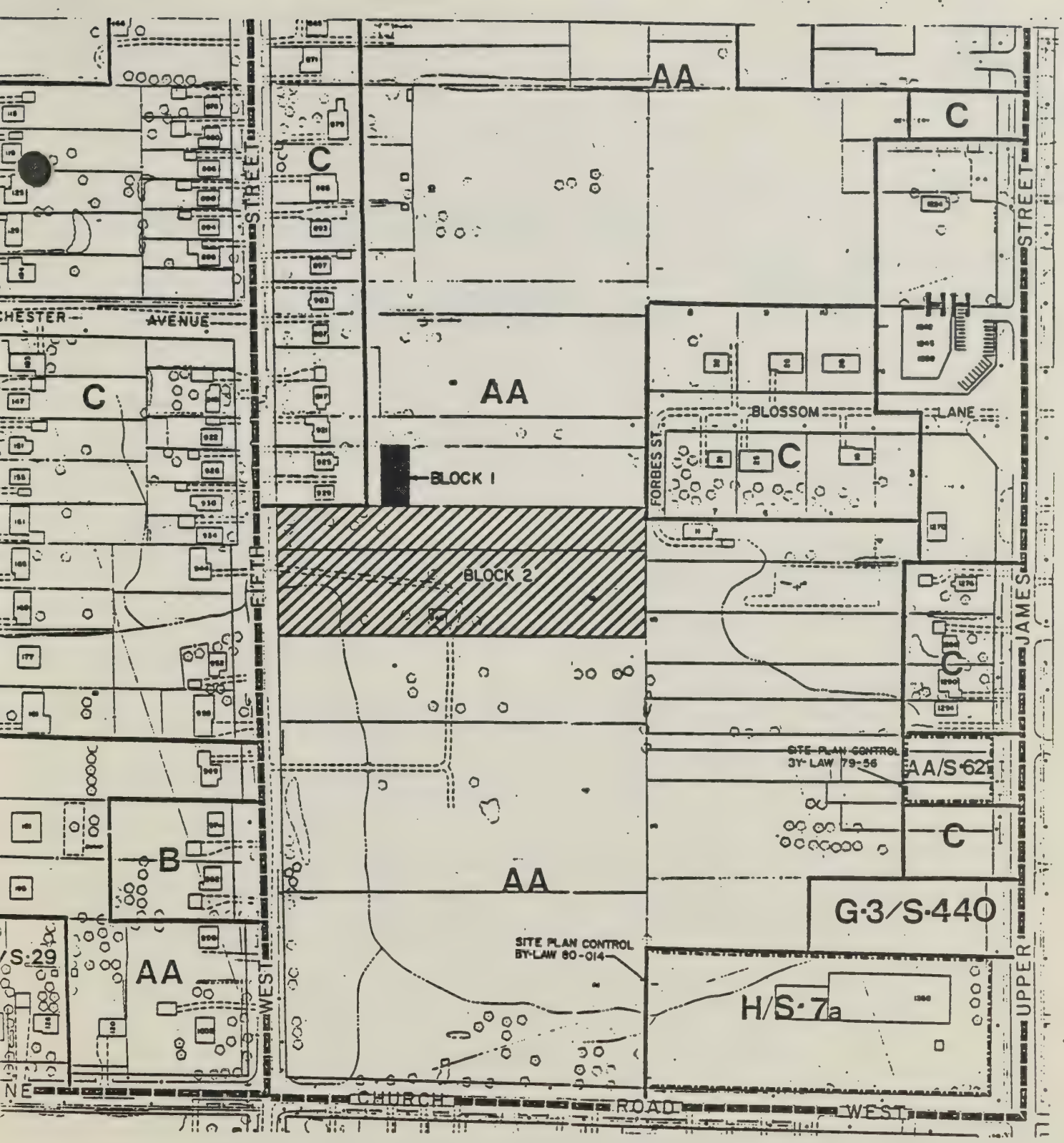
   a) it implements the proposed neighbourhood plan; and,

   b) it is compatible with existing and proposed single family dwellings to the north, south and west.

CONCLUSION

Based on the foregoing, the proposed single family dwelling for Blocks "1" and "2" may be supported; however, the townhouses on Block "2" cannot be supported.

JH/ma
WP 0021P



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

BLOCK 1 "C" (Urban Protected Residential, etc.) District

BLOCK 2 "RT-20" (Townhouse - Maisonette) District

ZA88-38

APPENDIX A 1

6.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 May 2
COMM FILE:
DEPT. FILE: P5-6-8-4

SUBJECT:

Day Nurseries - Policies and Controls

RECOMMENDATIONS

(a) That as part of the Official Plan's five-year review or annual update, day nurseries be permitted in all land use designations where:

- parking is readily available and/or a drop-off/pick-up zone is provided;

- it is demonstrated by the proponent, to the satisfaction of Council, that the use will not create noise and traffic problems.

(b) That the definition of Day Nursery in the Zoning By-law 6593, Section 2(2)B(ii) be amended to make it conform with the current Day Nurseries Act, defined as:

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap; and,

(ii) under ten years of age in all other cases,

but does not include;

iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act; or,

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act."

(c) That Zoning By-law 6593 be amended by allowing day nurseries in the following districts:

E (Multiple Dwellings, Lodges, Clubs, etc.) District
E-1 (Multiple Dwellings, Lodges, Clubs, etc.) District
E-2 (Multiple Dwellings) District
E-3 (High Density Multiple Dwellings) District
U (University District)
G (Neighbourhood Shopping Centre, etc.) District
G-1 (Designated Shopping Centre) District
G-2 (Regional Shopping Centres) District
G-4 (Designated Neighbourhood Shopping Centre Area District)
H (Community Shopping and Commercial, etc.) District
HH (Restricted Community Shopping and Commercial) District
I (Central Business District, etc.)
HI (Civic Centre Protected Districts)
CR-1 (Commercial Residential) District
CR-2 (Commercial Residential) District
CR-3 (Commercial Residential) District
J (Light and Limited Heavy Industry, etc.) District
JJ (Restricted, Light Industrial District)
K (Heavy Industry, etc.) District
KK (Restricted Heavy Industrial District)
M-11, 12, 13, 14, 15 (Prestige Industrial) District

(d) That day nurseries be permitted in the following districts:

AA (Agricultural) District
B (Suburban Agricultural and Residential, etc.) District
B-1 (Suburban Agricultural and Residential, etc.) District
B-2 (Suburban Residential) District
C (Urban Protected Residential, etc.) District
D (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
R-2 (Small Lot Single Family Detached) District
R-4 (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
RT-10 (Townhouse) District
RT-20 (Townhouse - Maisonette) District
RT-30 (Street - Townhouse - District)
DE (Low Density Multiple Dwellings) District
DE-2 (Multiple Dwellings) District
DE-3 (Multiple Dwellings) District

subject to the following:

i) it is located within a school, church community centre, or other such public building anywhere in the District; or

ii) is located along a major road as defined in Schedule "F" of the Hamilton Official Plan; and,

iii) that notwithstanding Section 18A(14), no parking shall be permitted in a front yard except within the access driveway leading to the required parking spaces.

(e) That the amending By-law recognizes those day nurseries existing at the date of the passing of the existing by-law as legal conforming uses;

(f) That Zoning By-law 6593 be amended to require day nurseries to provide a parking or a loading zone to drop off and pick up children at a ratio of one stacked car space per six children; and

(g) That day nurseries in all districts be placed under Site Plan Control.

(h) That Private Home Day Care be defined in the zoning by-law as follows:

"Temporary case of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

(i) That Section 3(3)(ia) be inserted in the by-law and read as follows:

"A private home day care is permitted within a dwelling unit."

David Godley
for V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms.
J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On February 28, 1986, residents of the Buchanan Neighbourhood submitted a petition opposing the establishment of a day nursery at 116 Laurier Avenue. In light of these concerns, the Planning and Development Department was requested to undertake a review of current land use policies and regulations affecting day nurseries.

On May 27, 1987, the Planning and Development Committee authorized a public meeting to discuss the following suggested recommendations of the report Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls:

- As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4. (Open Space) permitting day nurseries in these land use designations. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.

- At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:

  - parking is readily available;
  - a drop-off/pick-up zone could be provided;
  - substantial noise and traffic problems would not be created.

- The definition of Day Nursery in the Zoning By-law should be amended to make it conform with provincial legislation.

- The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking), and "L" (Planned Development).

- The Zoning By-law should be amended as follows:

  - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of ten children. This restriction should not apply to day nurseries in schools, churches or community centres.

  - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.

  - In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m^2 (60 sq. ft.) of outdoor play space and 2.8 m^2 (30 sq. ft.) of indoor play space for each child.

  - In the case of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.

- The Zoning By-law should be amended to require day nurseries to have an on-site loading and/or parking zone for motorists to drop off and pick up children to accommodate 1 car per 6 children at any one time.

- Site Plan Control should be applied to all new Day Nurseries with more than 10 children, as well as to the expansion of existing Day Nurseries regardless of zoning district.

On June 25, 1987 a public meeting of the Planning and Development Committee was held in Room 233 to discuss the above suggested recommended action. Following the meeting, written submissions were received from:

- Mrs. Stella Curtis, 167 Laurier Avenue;
- Mrs. Ann Weiss, 103 Laurier Avenue;
- Judith Preston, Director; Laurier Child Care Centre, 116 Laurier Avenue; and,
- The Social Planning and Research Council.

In the context of this report, "Day Nurseries" are defined as premises that provide temporary care for more than five children, excluding schools and recreation programs. This would include nursery schools, nursery co-operatives and day care centres.

Temporary care of one to five children, unrelated to the care giver, in a private home is referred to as "Private home day care", which is defined by The Day Nurseries Act as:

> "Temporary case of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

According to the Ministry of Consumer and Commercial Relations approximately 80% of day care service is provided through private home day care.

CURRENT POLICIES AND CONTROLS

a) Hamilton Official Plan

The Hamilton Official Plan considers day nurseries as institutional uses. As such, they are permitted in areas designated "Major Institutional" and "Commercial" on Schedule "A" of the Official Plan. Major institutions of less than 0.4 hectares (1 acre) are also permitted in "residential" areas provided sufficient off-street and loading is required, buffering is provided and the proposal is compatible to the surrounding area. Day nurseries may also be permitted in areas designated "Industrial" and "Open Space" areas since compatible uses are permitted in these areas.

Although day nurseries uses are generally permitted in most land use categories, specific policy statements allowing day nurseries are not included. Such a modification would provide further support for both work place and community-based day care.

b) Zoning By-law

Current zoning regulations for Day Nurseries are inconsistent. While day nurseries are permitted in most residential and industrial zones, and in some commercial zones, they are not permitted in such zones as:

- "B" districts (Suburban/Agricultural and Large Lot Residential);
- "RT-30" (Street-Townhouse) District;
- "G-1", "G-4" and "HH" districts (Commercial);
- CR (Commercial/residential) districts; and,
- M (Prestige Industrial) Districts.

(See Table 1)

Where permitted, in residential areas, the Zoning By-law restricts day nurseries to a maximum of 25 children or 1 child per 5.5 m^2 (59 sq. ft.) of yard space, whichever is less. These restrictions apply to all residential districts from one family districts up to high density zones. However, the By-law exempts churches, schools, community centres and public buildings from these restrictions.

The Zoning By-law does not provide any parking or loading provisions for day nurseries.

c) Provincial Regulations

Day nurseries are regulated by the Province through the Day Nurseries Act. Under the Act all day nurseries are required to be licenced by the Ministry of Community and Social Services. Licencing requirements include provisions for interior and exterior play space, furnishing and equipment and staffing ratio. In addition, zoning verification is required prior to the issuance of a licence.

CURRENT SITUATION

The May, 1987 report, Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls, examined the current supply of day nurseries, present and future demands, distribution and regulations of other municipalities. The report concluded that:

- "Given the substantial unmet need for child care facilities in Hamilton, land use policy should encourage the establishment of more day nurseries.

- Day nurseries are poorly distributed, particularly if we accept that community-based child care is a desired option. Land use policy, therefore, should support the establishment of more such facilities in underserviced areas. This does not mean, however, that restrictions should be more relaxed in one neighbourhood than in a similar neighbourhood elsewhere.

- Other groups have expressed concern about day nurseries in residential areas. Land use policy, therefore, should take into account the noise and traffic problems associated with child care facilities.

- Workplace child care represents an alternative that also should be supported. Child care facilities, therefore, should be permitted in industrial and commercial areas."

Day Care service is becoming increasingly important as social and household trends change the family structure, requiring higher levels of services. Household trends which have increased the level of required day care service include:

- o increase in the number of two-income families;
- o increase in the proportion of single-parent families; and,
- o the passing of the "baby boom" generation through the peak child bearing years.

ISSUES AND COMMENTS

As a result of the public meeting and submissions received, a number of issues concerning day nursery controls have been identified. It should be noted that all groups identified the importance of day nurseries, the need for an adequate level of service and the necessity to avoid undue restrictions. However, the concerns are related to the size, location and nature of day nurseries.

a) Size

The previous report recognized the need to protect residents from the adverse noise traffic and parking conditions associated with day nurseries. The report suggests that in low density residential areas a maximum of 10 children should be permitted in a day nursery rather than the presently permitted 25 maximum.

A day nursery of 25 children will generally create noise and traffic above and beyond the level that can normally be expected in a low density residential area. At this scale, a day nursery is a viable commercial or institutional operation. Therefore, it should locate in a commercial area or in institutional buildings such as churches and schools. With a maximum of 25 children, day nurseries are not compatible with low density residential development.

A revised maximum of 10 children in low density residential areas was previously proposed. From a planning perspective, the 10 children maximum merits consideration. At this level, the day nursery can remain in the residential areas as a home occupation or a small scale operation. With 10 children, the noise traffic and parking needs of the day nursery should be compatible with the surrounding residential uses. Residents support this 10 children limit.

TABLE 1

DAY NURSERIES AND ZONING IN HAMILTON

	Zone	Not Permitted	Permitted	Permitted Subject To Restrictions
A	Recreational	X		
AA	Agricultural	X		
B	Residential	X		
B-1	Residential	X		
B-2	Residential	X		
C	Residential			X
D	Residential			X
DE	Residential			X
DE-2	Residential			X
DE-3	Residential			X
RT-10	Residential			X
RT-20	Residential			X
RT-30	Residential	X		
E	Residential			X
E-1	Residential			X
E-2	Residential			X
E-3	Residential			X
F		X		
U		X		
G	Commercial			X
G-1	Commercial	X		
G-2	Commercial			X
G-3	Commercial	X		
G-4	Commercial	X		
H	Commercial			X
HH	Commercial	X		
I	Commercial/ Institutional		X	
HI	Institutional	X		
CR-1	Commercial/ Residential	X		
CR-2	Commercial/ Residential	X		
CR-3	Commercial/ Residential	X		
J	Industrial		X	
JJ	Industrial		X	
K	Industrial		X	
KK	Industrial		X	
L	Industrial	X		
M(11-15)	Industrial	X		

However, day nursery operators have expressed concerns over the 10 child maximum. According to the operators, it is not economically viable to run a day nursery for 10 children. At best a 16 children maximum would be required to make an operation marginally feasible. It should be noted that there are no private day nurseries licenced for a capacity below 16 children in the City.

Since a day nursery is not viable with a maximum of 10 children, such a limit is unrealistic. Alternatively, at a maximum of 24 or even 16 children a day nursery could adversly affect low density residential areas in terms of noise, traffic and parking. Therefore, it should be prohibited as a use from these areas. It should be noted that private home day care (up to 5 children) should still be permitted in these districts.

Within low density residential areas institutional buildings such as schools, churches and community centres are appropriate for day nurseries. Therefore, these uses should be exempt from any new restrictions. These types of day nurseries usually provide adequate play space and parking and can function as the "neighbourhood type" day nurseries identified as desirable by the operators at the public meeting.

At any time when smaller day nurseries are viable, due to changes in legislation or increased funding, zoning regulations should be reviewed and adjusted accordingly.

b) Location

Since it has been suggested that day nurseries are not appropriate in low density residential areas due to its impacts, it should be permitted as a right in all other zones. Therefore, day nurseries should be permitted in these residential, commercial and industrial zones in which they are presently prohibited. In addition, the limitations on the size of day nurseries permitted in high density residential zones and commercial zones should be removed. The size of the day nursery would then be determined by the size of the structure and outdoor play space, as required by the Day Nurseries Act.

In the previous report, it was suggested that day nurseries, of any size, should be permitted in low density areas along arterial roads. The rationale for this recommendation is that traffic created by the operation should be easily accommodated along the arterial road, that arterial roads are served by public transit, thereby making it easier for people to drop-off and pick-up children, and that people along arterial roads would be more tolerant of the traffic.

In other areas, primarily commercial and industrial, day nurseries should be permitted as a right along all roads. Size of the operation would be determined by the Act.

c) Parking

The previously recommended parking ratio of 1 space per 6 children has been identified as a concern by the Day Care Operators and the Social Planning and Research Council. This restriction has been identified as being too tight a solution to a very short term problem. In addition, operators noted that in some cases parents walk children to the day nursery or the day nursery will pick-up and drop-off children at home.

The 1 space for 6 children requirement and/or drop-off zone makes it extremely difficult to convert a residential dwelling to day nursery since these properties are usually too narrow to provide substantial parking on site or a loading zone. However, it is recognized that a day nursery does create parking needs for staff and short term parking for parents dropping-off or picking-up their children.

The Ministry of Community and Social Services in its Day Nurseries Design Guidelines recommends that day nurseries provide parking at a ratio of 1 space per 10 children. This ratio will allow greater flexibility in allowing the establishment and expansion of day nurseries, while still providing for some off street parking for the use of staff and for parents.

CONCLUSIONS

Based on the previous analysis of day nurseries, the result of the public meeting and submissions received and the above comments the following can be concluded:

1. Official Plan

Although the Hamilton Official Plan would not prohibit day nurseries in most land use designations, these uses are not specifically identified as permitted uses. Therefore, in order to strengthen policy providing for day nurseries this use should be explicitly permitted as a general use in the Plan. In addition, the Official Plan should encourage adequate parking, as well as ensuring day nurseries that do not create adverse noise and traffic problems.

2. Zoning By-law

As identified in the previous report the definition of "Day Nursery" in the Zoning By-law is presently out-of-date and should be revised in accordance with the Day Nurseries Act, as follows:

- "A premises that receives more than five children who are not of common partentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

  (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

  (ii) under ten years of age in all other cases,

  but does not include,

  (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or

  (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act".

The Zoning By-law should permit day nurseries as a use in most zoning in districts. Therefore:

- The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts, except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking) and "L" (Planned Development).

In local residential areas the existing child limit for day nurseries can result in adverse noise, traffic and parking problems. Therefore, day nurseries should be prohibited in these areas. By allowing day nurseries as a use in all other districts, there would still be many areas that new day nurseries could be established.

Schools, churches, hospitals, recreation centres, community centres or other institutional buildings should be exempt from this restriction since they are designed for higher activity levels and can provide parking and/or loading space. These buildings could provide the community operations indicated as desirable at the public meeting.

Since residential areas along arterial roads have a higher tolerance to noise and traffic, day nurseries of any size should be permitted in these areas.

In other areas (non-residential areas) a day nursery, of any size should be compatible with surrounding land use and traffic activity. In these areas, any current limits should be removed. The size of the day nursery will then be determined by the size of the structure, the amount of play space and parking. This revised requirement will provide flexibility for establishing day nurseries of any size, in appropriate locations throughout the City.

Based on these comments, the Zoning By-law should be amended as follows:

- Day nurseries should be allowing in residential districts zoned AA, B, B-1, B-2, C, D, R-2, R-4, RT-10, RT-20, RT-30, DE, DE-2 and DE-3. Only in schools, churches, community centres or other such public buildings or on major roads (defined in Schedule F of the Official Plan - Map 1) Where permitted on major road, parking should be prohibited from the front yard in order to maintain the residential character of these areas.

- In all zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m^2 (60 sq. ft.)of outdoor play space and 2.8m^2 (30 sq. ft.) of indoor play space for each child.

- Existing day nurseries which would not comply to these suggested revisions should be recognized as "legal conforming uses" based on their existing licenced capacity, in the Zoning By-law. This supports and permits the continuing use of these properties for day nurseries. Presently, there are approximately nine operations (15% of all licenced day nurseries) which would need to be recognized as legal conforming if these changes are approved.

The Official Plan requirement for sufficient parking and/or loading space requirement for day nurseries should be provided for in the Zoning By-law. In addition, in order to improve safety and reduce traffic congestion and on-street parking, day nurseries should be required to provide some parking.

The suggested requirements of the Ministry of Community and Social Services are one space for ten children. The Traffic Department originally suggested one space for three children. One space for six children was suggested at the public meeting as a reasonable solution. However, this seems restrictive considering the low wages of day care workers and their consequent unlikelihood of travelling to work by car and the short term parking requirements for drop offs and pick ups. However, the Traffic Department feel that particularly on arterial roads, provisions should be made for worst case scenarios to protect for safety. Restrictions in requirements could be made through the Committee

of Adjustment. The Traffic Department do not, however, object to stacked parking (workers are likely to arrive before children) as long as the stacking is not several cars long. Stacked car parking could be permitted in the zoning by-law and controlled through site plan control.

- o The Zoning By-law should be amended to require day nurseries to provide on-site loading or parking for motorists to drop off and pick up children at a ratio of one stacked space per six children.

New Day Nurseries may or may not be subject to Site Plan Control, since Site Plan Control is only applicable to certain zoning districts. Since it is proposed that Day Nurseries of unlimited size be restricted to Major Roads, the location of accesses should be controlled to ensure a minimal impact on existing traffic flows. In addition, controls may be necessary to ensure parking and play areas are properly located on the property. Therefore:

- o Site Plan Control should be applied to all new day nurseries, as well as for the expansion of existing Day Nurseries regardless of zoning district.

BJ/dkp/CS/nd

WP 0157P

May 25, 1988

Day Nurseries - Policies and Controls

BACKGROUND

On May 11, 1988, the Planning and Development Committee considered the report on day nurseries and tabled the matter.

Discussion focussed on the limitation of the number of children permitted in day nurseries in residential areas.

At present, the limitation is 25 children. The report recommended a change to five children, except on arterial roads (see Map 1) where there would be no numerical limit. (Size would, however, be limited by parking standards in the zoning by-law and by space standards in the Day Nurseries Act.)

The Department were asked to make comments on relaxing the five-child limit in the interior of the neighbourhood to allow larger home-based day care centres. Radial separation or a limited number of day nurseries in each neighbourhood were suggested as possible strategies.

Radial separations and a number limit per neighbourhood were considered as possible strategies by the Department before recommendations were firmed up.

ANALYSIS

- Allowing limited day nurseries in residential areas would create potential noise and traffic problems for those in the interior of a neighbourhood. Older people and those on shift work are particularly susceptible to noise.

- Day nurseries are in the nature of a commercial venture, whereas private day care has more similarities to a home occupation. Consequently, the edge of the neighbourhood is the most appropriate location for a day nursery.

- Allowing day nurseries on arterial roads and in institutional buildings in the interior of the neighbourhood allows great potential for new day nurseries. Only 32 day nurseries currently exist, 11 on the interior of the neighbourhood (Map 2). Map 3 shows current accessibility.

- Allowing day nurseries in residential areas in the interior of the neighbourhood would create uncertainty for residents. If radii or number limits were set up this would reduce the problem. However, a day nursery could close and another set up in a different location in the interior of the neighbourhood.

- A radial separation or limit per neighbourhood would be a complex system to administrate. The radial separation particularly would require its own separate system and maps. Radii would also have to be arbitrarily defined.

- Day nurseries of between five and 25 children are less viable economically than larger day nurseries, because of the economies of scale.

- Where appropriate, (in accordance with Official Plan policies) the zoning by-law could be amended to allow more than five children in the interior of the neighbourhood.

CONCLUSION

Relaxation of the proposed standards for day nurseries in the interior of the neighbourhood should be considered on merit. The recommendations in the report dated May 2, 1988 should stand.

DG:CS
0056P

MAP 1



major roads

legend

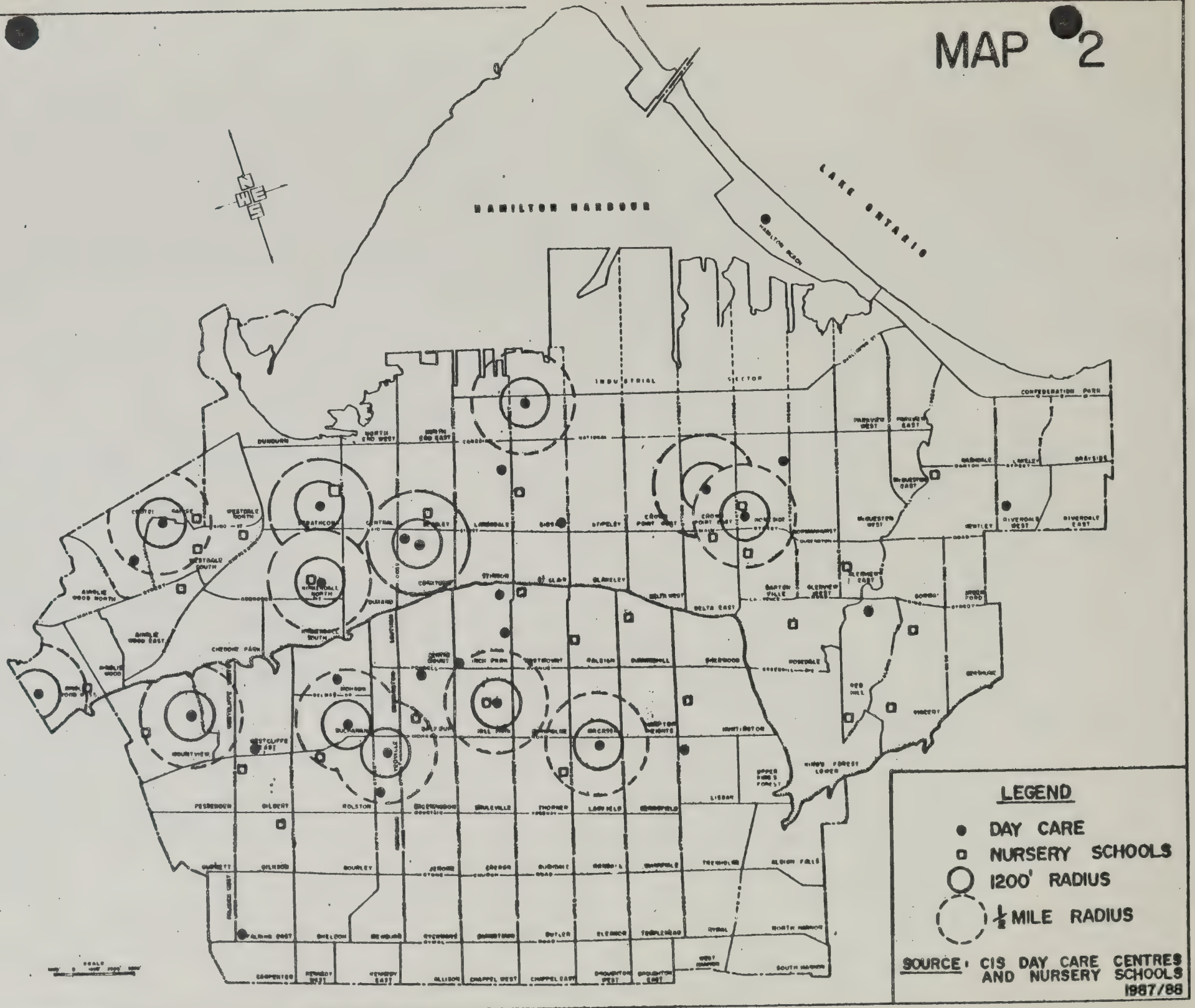
- inter-regional highway
- arterial roads (regional)
- proposed arterial roads (regional)
- other roads
- 36m designated rights-of-way width

schedule F

to the official plan
for
[illegible]ty of hamilton

September, 1986

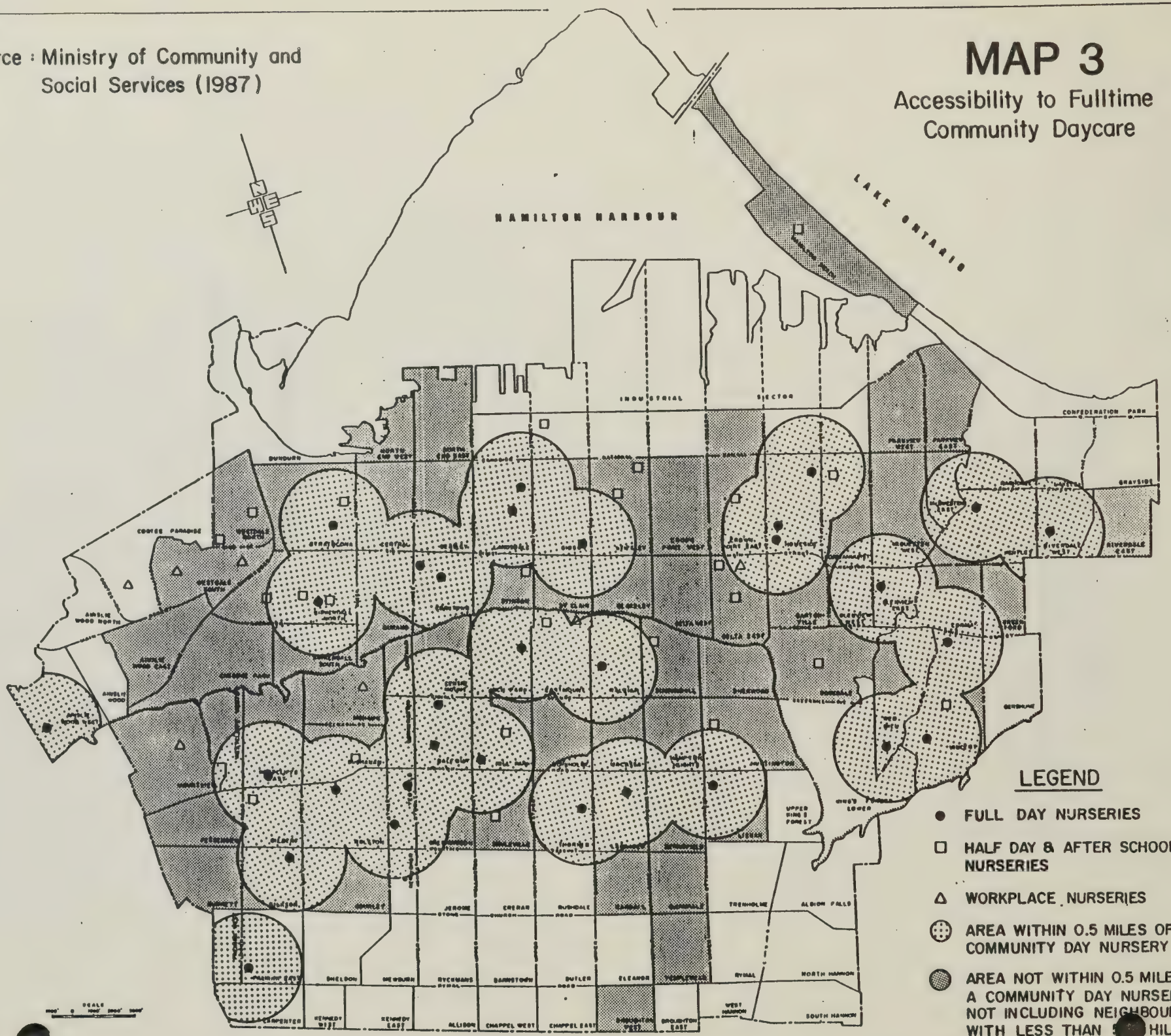
MAP 2


HAMILTON HARBOUR
LAKE ONTARIO
INDUSTRIAL SECTOR
LEGEND
DAY CARE
NURSERY SCHOOLS
1200' RADIUS
½ MILE RADIUS
SOURCE: CIS DAY CARE CENTRES AND NURSERY SCHOOLS 1987/88

Source : Ministry of Community and Social Services (1987)

MAP 3

Accessibility to Fulltime Community Daycare



6b.

SPRC RESPONSE TO PLANNING DEPARTMENT RECOMMENDATIONS

RE: DAY NURSERIES - POLICIES AND CONTROL

MAY, 1988.

Social Planning and Research Council
of Hamilton and District
155 James Street South, Suite 601
Hamilton, Ontario. L8P 3A4

INTRODUCTION

The Planning and Development Department report entitled "Day Nurseries - Policies and Control" was forwarded to the Planning and Development Committee for final approval, pending a public meeting scheduled for May 11, 1988, at Hamilton City Hall. This report and its recommendations is the product of more than two years of public discussion and submissions concerning the amendment of Zoning By-Law 6593 affecting the location of day care in Hamilton zoning districts.

Members of the Social Planning and Research Council's Executive Committee, its Community Development Advisory Committee's Sub-Committee on Day Care and staff have had an opportunity to review the recommendations set forth by the Planning Department. It was concluded that a certain number of recommendations would not be consistent with a currently established SPRC position.

The following is a summary of SPRC positions with regard to each of the eight recommendations.

PLANNING DEPARTMENT RECOMMENDATION (a)

That as part of the Official Plan's five year review, day nurseries be permitted as a general use in all land use designations where:

- parking is readily available and/or a drop-off or pick-up zone could be provided;

- substantial noise and traffic problems would not be created.

SPRC POSITION

THE SPRC SUPPORTS THIS RECOMMENDATION, PROVIDED THESE CERTAIN CHANGES WOULD BE MADE TO ITS CONTENT:

That as part of the Official Plan's five year review, day nurseries be permitted as a general use in all land use designations, subject to zoning restrictions, where:

- **parking is readily available and/or a drop-off or pick-up zone could be provided;**

- **undue noise and traffic problems would not be created.**

PLANNING DEPARTMENT RECOMMENDATION (b)

That the definition of Day Nursery in Zoning By-Law 6593, Section 2(c) B(ii) be amended to make it conform with the current Day Nurseries Act.

SPRC POSITION

THE SPRC GENERALLY ENDORSES ALL PROVINCIAL LEGISLATION WHICH HAS BEEN PASSED FOR DAY NURSERIES, AS DEFINED BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES. THUS, WE SUPPORT THE RECOMMENDATION AS GIVEN.

PLANNING DEPARTMENT RECOMMENDATION (c)

That Zoning By-Law 6593 be amended by allowing day nurseries in the following districts:

E	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-1	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-2	(Multiple Dwellings) District
E-3	(High Density Multiple Dwellings) District
G	(Neighbourhood Shopping Centre, etc.) District
G-1	(Designated Shopping Centre) District
G-2	(Regional Shopping Centres) District
G-4	(Designated Neighbourhood Shopping Centre Area) District
H	(Community Shopping and Commercial, etc.) District
HH	(Restricted/Community Shopping and Commercial) District
1	(Central Business District, etc.)
HI	(Civic Centre Protected Districts)
CR1-CR3	(Commercial Residential) Districts
J	(Light and Limited Heavy Industry, etc.) District
JJ	(Restricted, Light Industrial) District
K	(Heavy Industry, etc.) District
KK	(Restricted Heavy Industrial) District
M-11,13,14,15	(Prestige Industrial) District

SPRC POSITION

ON THE PREMISE THAT ZONING RESTRICTIONS FOR DAY NURSERIES SHOULD BE SITE APPROPRIATE AND LOCATION THEREOF SHOULD BE ON THE BASIS OF NEED, THE SPRC SUPPORTS THIS AMENDMENT TO THE ZONING BY-LAW.

PLANNING DEPARTMENT RECOMMENDTION (d)

That day nurseries be permitted in the following districts:

AA	(Agricultural) District
B, B-1	(Suburban Agricultural and Residential, etc.) District
B-2	(Surburban Residential) District
C	(Urban Protected Residential, etc.) District
D	(Urban Protected Residential - One and Two Family Dwellings, Town Houses, etc.) District
R-2	(Small Lot Single Family Detached) District
R-4	(Urban Protected Residential - One and Two Family Dwellings, Town Houses, etc.) District
RT-10	(Town House) District
RT-20	(Town House - Maisonette) District
RT-30	(Street-Town House) District
DE	(Low Density Multiple Dwellings) District
DE-2	(Multiple Dwellings) District
DE-3	(Multiple Dwellings) District

on the following basis:

a) it is located within a school, church, community centre, or other such public building; or

b) it is located along a major road as defined in Schedule "F" of the Hamilton Official Plan.

SPRC POSITION

THE SPRC POSITION IS THAT DAY NURSERIES SHOULD BE AS A RIGHT IN THESE DISTRICTS, PROVIDED THERE IS A LIMIT OF 25 CHILDREN IN A DAY NURSERY. THUS, WE CANNOT SUPPORT THE RECOMMENDATION ON THE BASIS THAT IT WOULD BE TOO RESTRICTIVE IN THE LOCATION OF A DAY NURSERY WITHIN A RESIDENTIAL DISTRICT.

PLANNING DEPARTMENT RECOMMENDATION (e)

That the Zoning By-Law 6593 be amended to recognize existing day nurseries which would not comply with these proposed By-Law amendments as a legal conforming uses.

SPRC POSITION

1) **THE SPRC SUPPORTS, IN PRINCIPLE, RECOGNITION OF EXISTING DAY NURSERIES WHICH WOULD NOT COMPLY WITH THE PROPOSED BY-LAW AMENDMENTS AS A LEGAL CONFORMING USES.**

2) **THE SPRC CANNOT SUPPORT THE AMENDMENT OF ZONING BY-LAW 6593 WITH RESPECT TO RECOMMENDATION (e) SINCE WE CANNOT SUPPORT RECOMMENDATION (d) AS IT IS PROPOSED.**

PLANNING DEPARTMENT RECOMMENDATION (f)

That Zoning By-Law 6593 be amended to permit private home day care as a residential use and (supervision of five or less unrelated children) as a right in dwellings within all zoning districts.

SPRC POSITION

THE SPRC SUPPORTS THIS RECOMMENDATION, BUT RECOMMENDS THAT THIS SHOULD ALSO APPLY TO DAY NURSERIES UP TO A CAPACITY OF 25 CHILDREN IN RESIDENTIAL DISTRICTS.

PLANNING DEPARTMENT RECOMMENDATION (g)

That Zoning By-Law 6593 be amended to require day nurseries to provide parking or a loading zone to drop off and pick up children at a ratio of one stacked car space per six children.

SPRC POSITION

THE SPRC CANNOT SUPPORT THIS RECOMMENDATION, SINCE:

1) WE GENERALLY SUPPORT THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES GUIDELINE RATIO OF ONE CAR PER TEN CHILDREN; AND,

2) WE RECOGNIZE THAT, IN SPECIFIC INSTANCES, ON-SITE LOADING ZONES MAY NOT BE APPROPRIATE OR NECESSARY.

PLANNING DEPARTMENT RECOMMENDATION (h)

That By-Law 6593 be amended to apply Site Plan Control to all new day nurseries.

SPRC POSITION

THE SPRC CAN ONLY SUPPORT THIS RECOMMENDATION IF SITE PLAN CONTROL IS ALSO APPLIED TO ANY SIGNIFICANT EXPANSION OR CONVERSION OF EXISTING DAY NURSERIES, AS DEFINED BY PLANNING DEPARTMENT GUIDELINES.

6c.

The Play Stop Ltd
Laurier child Care Centre,
116 laurier Ave.,
Hamilton. Ontario,
L9C 3S4

June 1, 1988

Planning and Development Department
Hamilton City Hall,
Seventh Floor,
Hamilton, Ontario,

Attention: V. J. Abraham

Re: File #P5-6-8-4

Dear Sir:

As part of the on-going discussion pertaining to day care zoning in Hamilton I wish to submit my ideas and opinions on the proposed changes.

Recommendation A: It is important that centres located on arterial roads have a drop-off zone. It is too dangerous to have cars backing out onto busy roads. Centres located on residential streets need only have a parking area.

Recommendation C & D: In consideration of the need for day care in the Region the lessening of the number restriction on arterial roads is good. However the end result of this combined with the limiting of centres in certain residential areas is the promotion of large institutional day care centres as opposed to smaller home based centres. It is my opinion that younger children do better in smaller situations. The more flexible and home-like the setting the more comfortable the child. Parents also feel easier about leaving their young children when the setting is more home-like.

Suggestions: Rather than totally eliminating the possibility of child care centres in certain residential areas why not simply impose certain limitations:

ie. - the building must also be used as a residence
- child care facilities located in residential buildings must be a specific distance apart

Finally if site plan control is prerequisite for all child care facilities the need to eliminate the right to establish a 25 child centre in the areas outlined in recommendation "D" does not exist. The Site Plan Control procedure would evaluate the potential impact of a centre on the neighborhood. If the impact is too great the permission to develop the centre would be denied.

Could I again draw your attention to my letter of July 20, 1987 wherein the various objections to child care centres in residential areas were addressed? The concerns raised by Mrs. Weiss at the meeting of May 11th were all answered in this letter.

The opportunity to participate in this discussion is greatly appreciated.

Sincerely

Judith Preston
Director
The Play Stop Ltd
Laurier Child Care Centre

cc. The Planning and Development Committee

8.

FOR ACTION

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
ALDERMAN DON ROSS WARD
ALDERMAN OF THE PLANNING
AND DEVELOPMENT COMMITTEE

DATE: 1988 May 18
COMM FILE:
DEPT FILE: DA-88-27
(DA-85-31)
Burnett
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-88-27 for 5 Townhouse units at 7-23 Gurnett Drive as phase II of an existing 30 unit townhouse development at 700 Stone Church Road West.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-88-27 by Hamilton Portuguese Community Home Inc., owners of lands known as 7-23 Gurnett Drive.

i) modification to the plans in relation to notes and dimensions as marked in red on the plans;

ii) grading of Phase 1 of the Vila Portuguesa be rectified in compliance with approved grading plan or the submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department for those areas.

V.J. Abraham

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On: _____

Alderman John Smith
Chairman _____

Alderman Don Ross
Ward Alderman _____

BACKGROUND

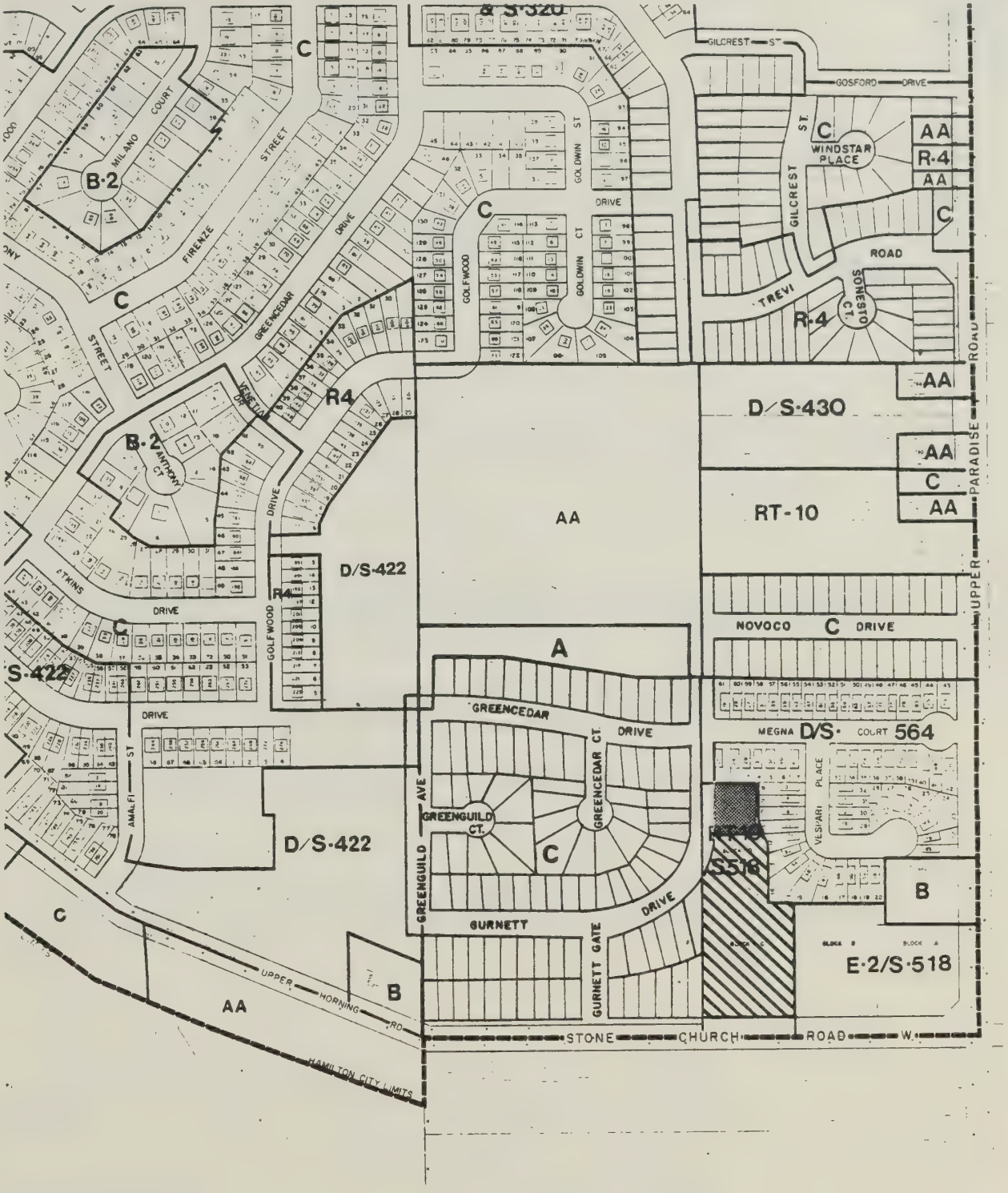
Plans have been submitted for a 5 unit townhouse development at 7-23 Gurnett Drive, which is phase 2 of a previously approved Site Plan Control Application DA-85-31 for 30 townhouse units already constructed at 700 Stone Church Road West.

This phase of the development, known as amended Block "C", proposes two storey townhouse units with brick veneer and vinyl siding, and individual garages. The units will share a common landscape area with individually screened patios.

Modifications are required to the plans related to dimensions and notes as marked in red on the plans.

The Hamilton-Wentworth Engineering Department has advised that the grading for phase 1 of the development has not been completed in accordance with the approved plans of DA-85-31. The applicant should either comply with the approved plan or submit revised plans for approval. The grading has been a matterof concern for the abutting residential property owners in the past and should be resolved prior to finalization of the next phase commencing.

JL/JPS/ma



57 GURNETT

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-88-27

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

SITE OF DEVELOPMENT

North	Scale	Reference File No.
	1:5,000	DA-88-27
	Date	Drawing No.
	MAR.,1988	

FOR ACTION

9.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 May 12
COMM FILE:
DEPT. FILE: DA-87-128 (DA-87-48)
Lawfield
Neighbourhood

SUBJECT:

Site Plan Control Application DA-87-128 for a pylon sign for 1050 Upper Gage Avenue

RECOMMENDATION

That Site Plan Control Application DA-87-128 by Landown Shopping Center, owner of lands known as 1050 Upper Gage Avenue for a shopping centre pylon sign be denied based on the following:

(i) the pylon sign would be out of character with the surrounding low profile residential development and existing streetscape;

(ii) approval would set an undesirable precedent for future applications for illuminated pylon signs along Upper Gage Avenue; and,

(iii) it is contrary to the intent of the Neighbourhood Shopping District which permits only a "business identification sign that is a wall sign".

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

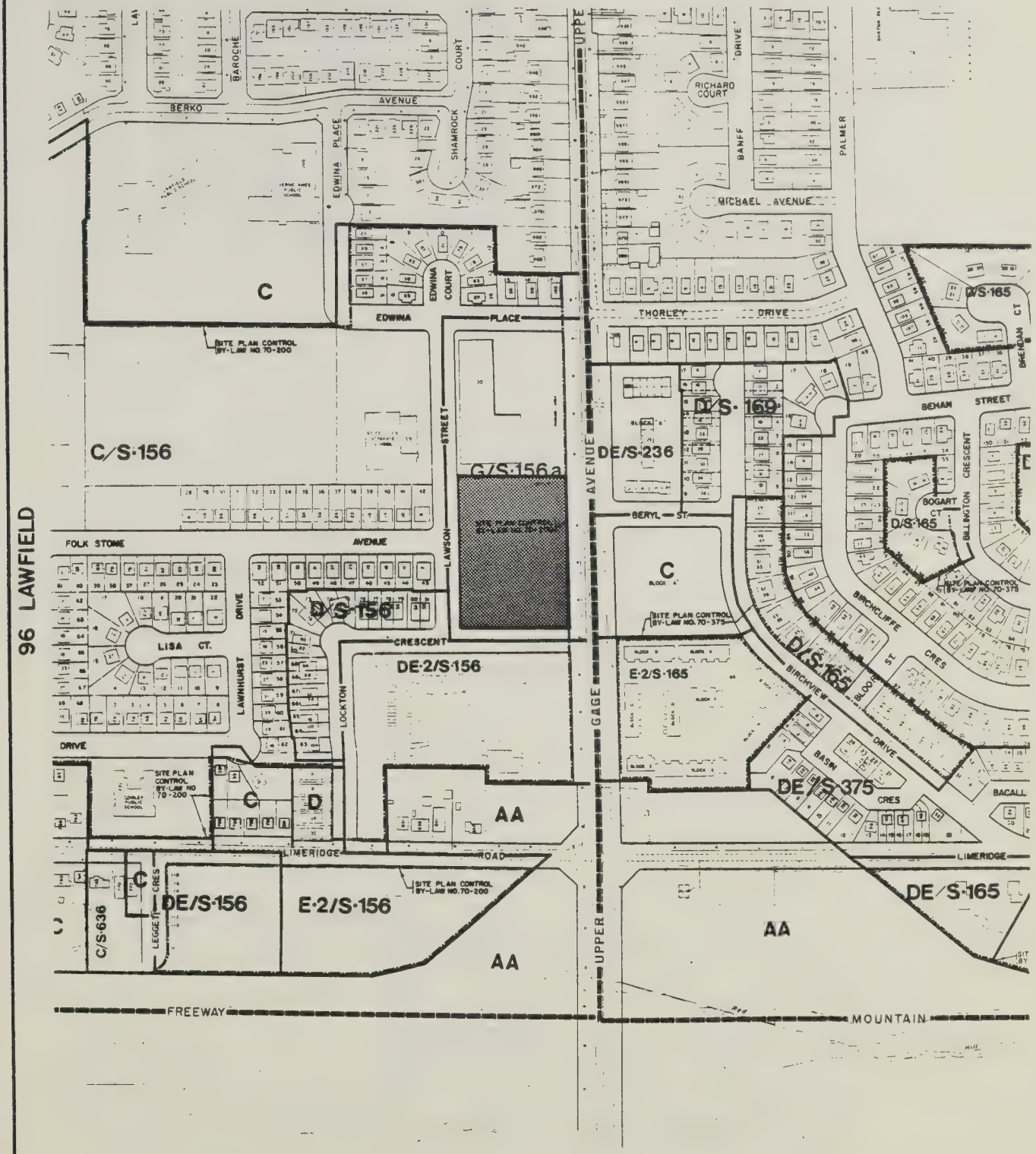
BACKGROUND

Plans have been submitted for a pylon shopping centre sign to be located at the entrance of 1050 Upper Gage Avenue. The sign will be a total of 7.5m (25ft) high and 2.5m (8.1ft) wide.

The application cannot be supported for a number of reasons. The surrounding residential neighbourhood is comprised primarily of low rise development. As such an illuminatd 7.5m pylon sign would be highly visible and out of character with the neighbourhood. Should the application be approved, an undesirable precedent would be set for future applications for similar illuminated pylon signs along Upper Gage Avenue. This would be detrimental to the overall streetscape of Upper Gage.

A variance to the By-law would be required for the pylon sign. The lands are zoned "Neighbourhood Shopping District" which permits only wall signs for business identification. The proposed pylon sign is therefore contrary to the intent of this zoning district.

/dkp



PLAN SHOWING
LANDS SUBJECT TO

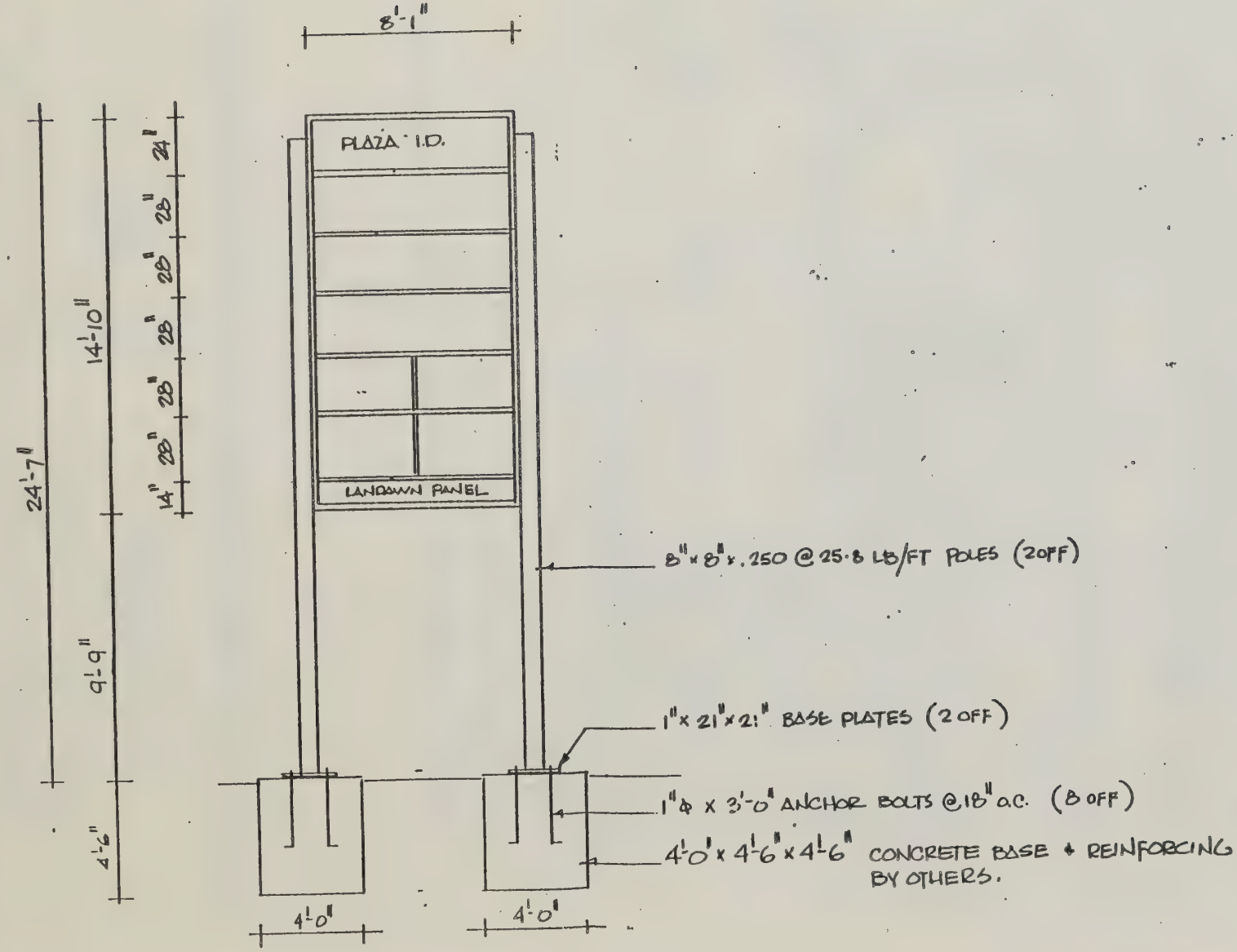
SITE PLAN CONTROL
APPLICATION DA-87-128

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-87-128
	Date	Drawing No.
	JAN, 1988	87-H-



neu art Signs

2 THORA AVENUE, SCARBOROUGH, ONTARIO M1L 2P6
TELEPHONE (416) 694-4349

CUSTOMER LANDOWN

LOCATION HAMILTON
UPPER GAGE & LOCKTON

SCALE 1/4"=1-0 DATE DEC 9 87
SALES TKM DESIGN SG

DRAWING NO. 3958-A

REVISIONS

NO.	DESCRIPTION	DATE

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CA4 ON HBL A05
C51P4
1988

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 June 9

URBAN MUNICIPAL
JUN 17 1988
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 June 15th
2:ØØ o'clock p.m.
Room 233, City Hall

Susan K. Reeder.

Mrs. Susan K. Reeder
Secretary

PLEASE NOTE THAT THE COMMITTEE WILL RECONVENE AT 7:3Ø O'CLOCK P.M. TO HEAR THE RECOMMENDATIONS OF THE STUDENT HOUSING TASK FORCE.

AGENDA

1. Minutes - Tuesday, 1988 May 31st.

MAYOR ROBERT M. MORROW

2. Conference - The Heritage Canada Foundation - Charlottetown, P.E.I. - 1988 September 8-1Ø.

3. Correspondence - Mike Pennock, Executive Director, The Social Planning and Research Council.

4. Article "In Search of Innovation in the Cities".

ALDERMAN B. HINKLEY

5. Report - Attendance at the American Planning Association Conference - San Antonio, Texas - 1988 April 3Ø - May 4.

CANADIAN FOOTBALL HALL OF FAME 25 YEARS 1963-1988 HAMILTON

BUILDING COMMISSIONER

6. Demolition Permit Applications.

7. Administration - Lot Grading.

DIRECTOR OF COMMUNITY DEVELOPMENT

8. The City of Hamilton Heritage Programmes. (Private and Confidential)

9. Commercial Facade Loan Programme.

10. Business Improvement Area, Commercial Improvement Programme; 1988-1991 Submission.

CITY TREASURER

11. Final Release of Holdback - S. M. Roscoe Architect Inc.

COMMISSIONER OF ENGINEERING

12. Cardinal Heights Addition No. 5, Phase 3, Lot 5.

13. Cash payments in lieu of 5% Parkland Dedication.

(a) Aquila Place - Phase 2.
(b) Wiseмount Forest Survey - Phase 4.
(c) Rushdale Manor.
(d) DiCenzo Gardens - Phase 3.

DIRECTOR OF PROPERTY

14. Sale by the City - Part 10, Plan 62R-6188 - Keefer Court - Kenora Industrial Park.

15. Rental of property at 10, 12, 14 and 24 Gerrard Street.

16. First Phase - Lloyd D. Jackson Square - Cinema Expansion.

17. Release of Building Covenants - Robertson-Irwin Limited - 61 Burford Road, Part of Lot 2 and Lots 3 and 4, Plan 1382, Grayside Industrial Estate No.1.

18. Extension of Commencement and Completion Dates of Construction, City Sale of Lot 18, Plan M-227. (140 Nebo Road)

19. Release of Building Convenants - 708628 Ontario Limited - 51 and 52 Keefer Court (Parts 11, 12, 13 and 14 - Plan 62R-7820.)

20. Covenants to preserve property in favour of the City - 66 Arkledun Avenue.

CASH-IN-LIEU OF PARKING COMMITTEE

21. 293-335 Wellington Street North.

L.A.C.A.C.

22. Designation of St. Paul's Ecumenical Church, 109 Smith Avenue (corner of Barton Street East.)

HAMILTON BEACH IMPLEMENTATION COMMITTEE

23. Revised Mandate.

DIRECTOR OF LOCAL PLANNING

24. Subdivision Application 87-23, 428680 Ontario Limited, owner, of lands north of Rymal Road between Upper Wellington Street and Upper Wentworth Street; Barnstown Neighbourhood.

25. Applications for extension of Draft approval for Templemead No. 3, Rexford Heights - Phase 2 and Oakland Park Extension No. 4 Subdivisions.

26. Repeal of Part-lot control by-laws.

27. Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan.

COUNCIL CHAMBERS

3:ØØ O'CLOCK P.M.

28. City Initiative 88-C, City of Hamilton, owner, for a change in zoning from"G-3" to "H" for property at 255 West Avenue North (West Avenue School); Landsdale Neighbourhood.

29. Zoning Application 88-19, R. Leggat, owner, for a change in zoning from "AA" to"DE-2" for property at the north-west corner of Limeridge Road East and Upper Gage Avenue; Lawfield Neighbourhood.

3:15 O'CLOCK P.M.

3Ø. Zoning Application 88-23, Chedoke-McMaster Hospitals, owner, for a modification to the "AA" District regulations for property on the west side of Sanatorium Road in the area south of Scenic Drive; Mountview Neighbourhood.

31. Zoning Application 88-25, C. Dillon and P. Vassallo, owners, for a modification to the "JJ" District regulations for property at 2783 Barton Street East; Grayside Neighbourhood.

32. Zoning Application 88-27, D. J. Armstrong, owner, for a change in zoning from "AA" to "HH" for lands at the south-west corner of Limeridge Road East and Upper Sherman Avenue; Thorner Neighbourhood.

3:45 O'CLOCK P.M.

33. Cochren Construction Site - Greenhill Avenue; Gershome Neighbourhood.

4:ØØ O'CLOCK P.M.

34. (a) Mr. David Cohen and members, Corktown/Stinson Citizens Advisory Committee re: Ontario Neighbourhood Improvement Program.

(b) Report - Director of Community Development.

4:15 O'CLOCK P.M.

35. GO Rail Study.

(a) Report - Transport and Environment Committee.

(b) Report - Planning and Development Committee.

7:30 O'CLOCK P.M. - COUNCIL CHAMBERS

36. (a) Recommendations of the Task Force on Student Housing.

(b) Report - Staff comments (copy to follow.)

37. Other Business.

38. Adjournment.

Tuesday, 1988 May 31
7:15 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman W. McCulloch
Alderman T. Cooke
Alderman D. Agostino
Alderman B. Hinkley

Regrets: Alderman D. Christopherson

Also Present: Mr. V. J. Abraham, Director of Local Planning
Mr. L. King, Building Department
Mrs. Susan K. Reeder, Secretary

Task Force to Review the Mandate and Structure of the Hamilton Habour Commission

The Committee was in receipt of a report from the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission dated 1988 May 30th respecting Housing Keeping Recommendations.

Alderman B. Hinkley, Chairman of the Task Force spoke to these recommendations and the purposes for them.

The Committee then approved the following:

1. That Section (b) of the Terms of Reference for the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission, approved by City Council at its meeting held Tuesday, 1988 March 29, which reads as follows:.

   "That the purpose of the review be to determine if the present mandate, structure and legislation in which the Hamilton Harbour Commission operates is best suited to meet the community needs and directions for the future development and control over the operations of Hamilton Harbour."

   BE AMENDED to insert after "Harbour Commission", the words " and other jurisdictions".

2. That the Hamilton Harbour Commission be requested to prepare and make a presentation to the Wednesday, 1988 June 22nd meeting of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission with respect to the Hamilton Harbour Commission's Future Plans for Shipping and Navigation.

3. (a) That the City of Hamilton's Appointee to the Hamilton Harbour Commission be requested to sit on the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission.

   (b) That the Minister of Transport Canada be requested to appoint a representative to sit on the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission; either as a full-voting member or as an observer.

   (c) That the Central Area Plan Implementation Committee be requested to appoint a representative to sit on the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission.

Demolition Permit Applications

The Committee was in receipt of a report from the Building Commissioner dated 1988 May 27 respecting demolition permit applications.

The Committee approved the following:

4. That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

   (a) 970 Upper Wellington Street

   (b) 32 Rowanwood Avenue

   (c) 41 Depew Street

   (d) 43 Depew Street

In Camera Session - 1988 June 08

The Chairman advised the Committee that he has been contacted by the City Solicitor for approval to have Mr. Binnie, Solicitor, speak at the next meeting of the Planning and Development Committee (1988 June 8) at 1:30 o'clock p.m. with respect to a confidential matter.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Secretary
1988 May 31

Typed by M. J. Walton

cc. Mr. John Thompson, Secretary - Legislation Committee
Mrs. Susan Reeder, Secretary - Planning & Development Committee

MAY 6 1988

)from Mayor Bob
)Morrow, May 10th
1988

2.

The Heritage Canada Foundation
La Fondation canadienne pour la protection du patrimoine

Jacques Dalibard, Executive Director, *directeur général*

J.P.S. Mackenzie
Chairman
president

Michel M. Lessard
Vice-Chairman
vice-président

Mary P. Devine
Newfoundland
Terre-Neuve

Brian A. Gillis
Prince Edward Island
Île-du-Prince-Édouard

Hugh K. Smith, Q.C.
Nova Scotia
Nouvelle-Ecosse

Robert L. Boyce
New Brunswick
Nouveau-Brunswick

Michel M. Lessard
Clement Richard
Québec

Dorothy Duncan
Ernest Valorie Swain, Q.C.
Ontario

Kenneth G. Kelly
Manitoba

Kate Waygood
Saskatchewan

F. Morris Flewwelling
Alberta and
Northwest Territories
Alberta et
Territoires du Nord-ouest

Mary Elizabeth Bayer
British Columbia
and Yukon
Colombie-Britannique
et Yukon

James D. Collinson
Environment Canada
Environnement Canada

Charles E. McGee
Department of Communications
Ministère des communications

Jacques Dalibard

April 15, 1988

Dear Mayor/Reeve,

Heritage Canada is happy to invite you to attend its 15th annual **Conference in Charlottetown, P.E.I. on September 8-10, 1988.**

"Managing our Cities: The New Collaboration", a most challenging theme, will draw hundreds of delegates to this beautiful green island in early September. The subject is topical as more people and groups realize that everyone wins when developers, elected officials, planners and the public work together to manage the inevitable change that a city must undergo while maintaining and enhancing its character for the benefit of residents and visitors alike.

As an elected official, you will be pleased to hear the views of **Jean Pelletier,** Mayor of Québec, who will present his strategy for successful collaboration in a panel discussion.

We are happy to introduce our other expert speakers: **Ron Soskolne,** Vice-President, Olympia & York Developments Ltd.; **Marc Denhez,** President, Heritage Ottawa; **Ken Greenberg,** Planner, formerly with the City of Toronto and now in private practice; and **Adele Freedman,** freelance journalist specializing in urban issues. Case studies of successful downtown revitalization developments will be presented by **Fred Hyndman,** Ex-Chairman, Charlottetown Area Development Corporation and **Ben McCrea,** President, The Founders Square Limited, and will be commented upon by the speakers.

Guest speakers, key resource people and small groups of delegates will gather for lively round table discussion in afternoon workshops.

A lobster feast, an Anne of Green Gables evening at the theatre and the popular Heritage Canada tradition - Dinner in Historic Homes - are some of the featured highlights.

This is the conference you don't want to miss. We look forward to seeing you in Charlottetown.

Yours sincerely,

C. Johnson

Constance Johnson
Conference Chairman

P.O. Box 1358, Station B, Ottawa, Ontario K1P 5R4
Case postale 1358, succursale B, Ottawa, Ontario K1P 5R4

306 Metcalfe Street, Ottawa, Ontario, K2P 1S2 (613) 237-1066
306, rue Metcalfe, Ottawa, Ontario, K2P 1S2 (613) 237-1066

HERITAGE CANADA

MANAGING OUR CITIES
The New Collaboration

Charlottetown
Prince Edward Island
September 8-10, 1988

Join developers, elected officials, planners, citizens groups and the media to explore the challenges of The New Collaboration.

GÉRER NOS VILLES
Une nouvelle collaboration

Charlottetown
Île-du-Prince-Édouard
du 8 au 10 septembre 1988

Venez rencontrer des promoteurs, élus municipaux, urbanistes, groupes de citoyens et représentants des media et découvrez les défis que présente la nouvelle collaboration.



LETTRE DU DIRECTEUR GÉNÉRAL

Cher ami,

C'était aux premiers jours de septembre, il y a de cela cent vingt-quatre ans, les Pères de la Confédération vinrent à une conférence dans "la petite capitale de la petite Île-du-Prince-Édouard ... une des régions les plus charmantes qui soient. Les délégués, écrivait George Brown, parlementèrent à qui mieux mieux, à la suite de quoi un accord général d'union fut officiellement conclu et proclamé."

Aujourd'hui, c'est au tour d'Héritage Canada de vous inviter à sa conférence de Charlottetown pour discuter d'un autre genre d'union tel que le suggère notre thème : Gérer nos villes, une nouvelle collaboration.

Héritage Canada croit que le processus de gestion de nos villes est en évolution. Le climat de confrontation a cédé la place à une nouvelle sorte de collaboration. Aux intervenants traditionnels tels les élus municipaux, les urbanistes et les promoteurs se joignent maintenant les groupes de citoyens et les représentants des media.

Soyez des nôtres à Charlottetown pour découvrir les promesses que recèle cette "nouvelle collaboration" et profitez par surcroît de tout ce que l'Île offre - paysages splendides, plages sablonneuses, *Anne of Green Gables*, festins aux homards, architecture pleine d'attraits, et surtout, la chaleureuse hospitalité des insulaires.

La Conférence d'Héritage Canada est un événement à ne pas manquer!

Sincèrement,

Jacques Dalibard
Directeur général

LETTER FROM THE EXECUTIVE DIRECTOR

Dear Friend:

One hundred and twenty four years ago, in those early September days, the Fathers of Confederation came to "the little capital of little Prince Edward Island ... as pretty a country as you ever put your eye upon. The tongues of the delegates wagged merrily," George Brown wrote, "and the union was thereupon formally completed and proclaimed."

Now, we at Heritage Canada invite you to our Charlottetown Conference, to discuss another kind of union. Our topic is Managing Our Cities: The New Collaboration.

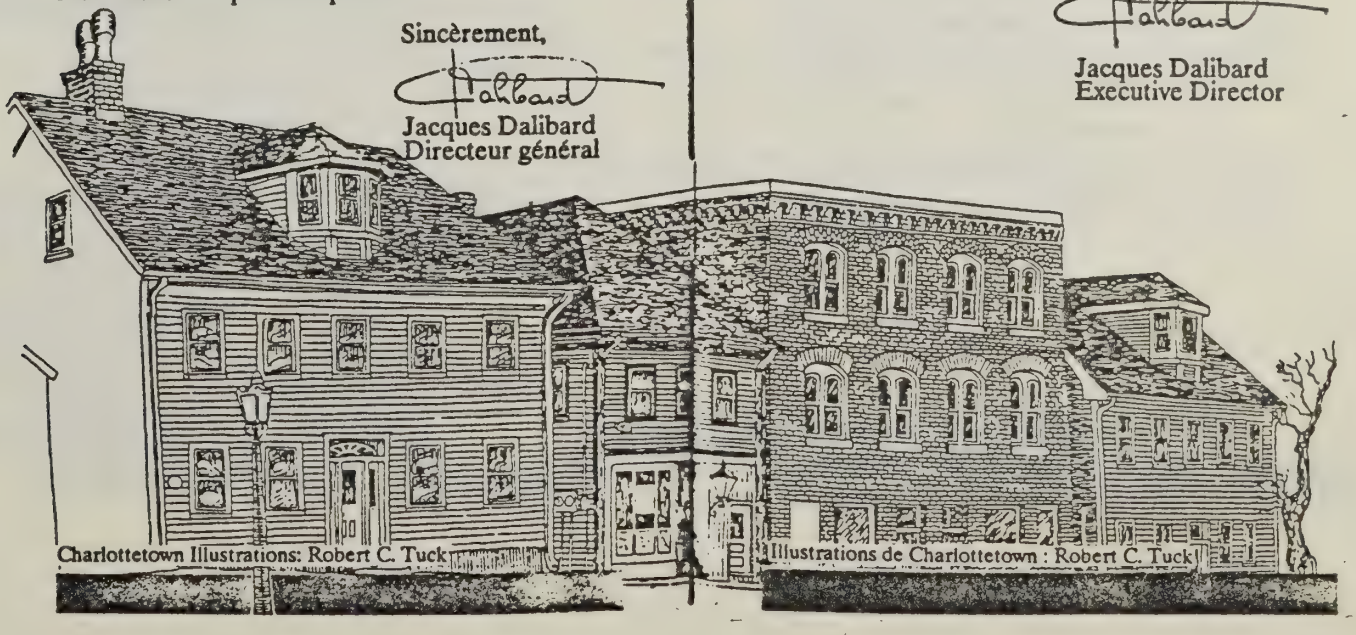
Heritage Canada believes that the managing of our cities and towns is undergoing change. The mood of confrontation is shifting, and the way is opening for a new kind of collaboration. Traditional players such as elected officials, planners and developers are being joined by citizens groups and the media.

Join us in Charlottetown to explore the promise of "The New Collaboration" and to enjoy all that the Island has to offer - splendid scenery, sandy beaches, *Anne of Green Gables*, lobster feasts, gracious architecture and most of all the warm hospitality of Islanders.

The Heritage Canada Conference is an event not to be missed!

Yours sincerely,

Jacques Dalibard
Executive Director



Charlottetown Illustrations: Robert C. Tuck

Illustrations de Charlottetown : Robert C. Tuck

POINTS SAILLANTS DE LA CONFÉRENCE

Parlons-en!
Une table ronde mettant en vedette des représentants de la ville de Québec, de la compagnie Olympia & York, du complexe Founders Square, d'Héritage Ottawa et d'ailleurs

Parlons-en sérieusement!
Des ateliers de discussion animée auxquels les délégués, les conférenciers, et les personnes-ressources prennent part

Déjeuner causerie
L'honorable Tom McMillan, ministre de l'Environnement

Visites guidées de Charlottetown
Une des villes les plus charmantes du Canada

Dîners dans des maisons historiques
L'hospitalité des insulaires à son meilleur! Savourez un repas spécial dans le décor d'une maison historique.

Soirée de gala
Banquet et céremonie de remise des prix d'Héritage Canada

Plus....

Une soirée au théâtre
La musique et la magie d'*Anne of Green Gables*

Un festin aux homards
Régalez-vous du meilleur homard au monde apprêté selon les traditons de l'Île puis visitez la maison *Green Gables* à Cavendish

Des visites guidées de l'Île
Découvrez la beauté, le charme et l'histoire de l'Île

Une réception
Le Lieutenant-gouverneur reçoit à sa résidence officielle

CONFERENCE HIGHLIGHTS

Can We Talk?
A stimulating panel discussion featuring representatives of the City of Québec, Olympia & York, Founders Square, Heritage Ottawa, and more

Can We Really Talk?
Workshops with delegates, speakers and resource people in lively round table discussions

Luncheon Guest Speaker
The Honourable Tom McMillan, Minister of the Environment

Guided Tours of Charlottetown
One of Canada's most charming cities

Dinner in Historic Homes
Island hospitality at its best! Enjoy special dinners in heritage homes

Gala Evening
Heritage Canada Banquet and Awards Presentation

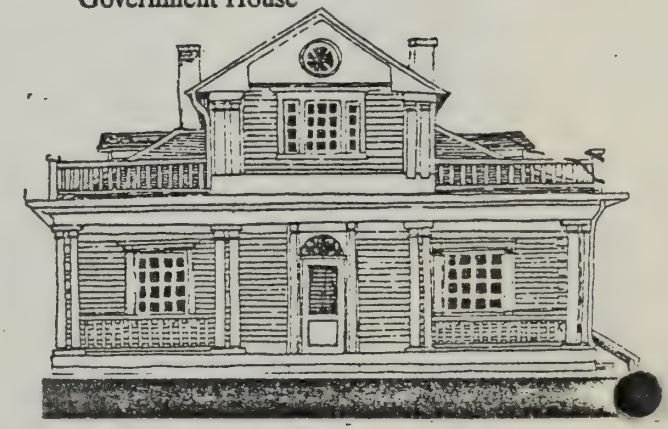
Plus....

An Evening at the Theatre
The music and magic of *Anne of Green Gables*

A Lobster Feast
Crack open the world's finest lobsters in a traditional Island celebration and visit Green Gables House in Cavendish!

Island Day Tours
Discover the Island's charm, beauty and history

Cocktail Reception
Hosted by the Lieutenant Governor at historic Government House



VISITES GUIDÉES

VISITES DE PRÉ-CONFÉRENCE
LES 6 ET 7 SEPTEMBRE

Explorez le patrimoine naturel et culturel de l'Île en compagnie de Madame Catherine Hennessey, fondatrice et directrice de la compagnie *Island Identity*. Madame Hennessey nous fera bénéficier de son expertise pendant deux jours de visites qui auront Charlottetown comme point de départ et point d'arrivée. Ne tardez pas à vous inscrire à une, ou à chacune, de ces journées de visites puisque les places sont comptées.

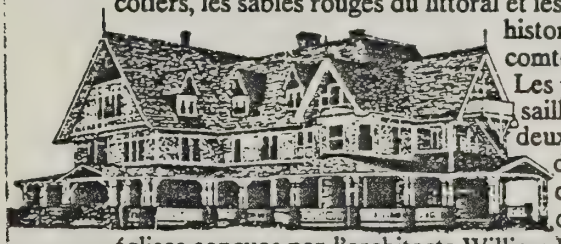
Jour 1 (6 septembre)

Le comté de King, situé à l'extrémité est de l'Île, a de quoi satisfaire tous les goûts : des terres onduleuses et des plages de sable rose, un charmant musée de l'agriculture du 19^{e} siècle, le phare d'East Point, le port animé de North Lake où l'on traite le thon, et le centre de villégiature bien connu, Dalvay-by-the-Sea.

Nous prendrons le repas du midi à Basin Head, reconnu pour ses magnifiques dunes de "sable chantant" et son Musée des pêches, et le repas du soir à Tracadie Bay, près du parc national de l'Île-du-Prince-Édouard, puis rentrerons à Charlottetown en empruntant la route où les couchers de soleil sont spectaculaires.

Jour 2 (7 septembre)

Découvrez les ports pittoresques, les villages côtiers, les sables rouges du littoral et les sites historiques du comté de Queen. Les points saillants de cette deuxième journée de visite comprennent quelques églises conçues par l'architecte William Harris, la maison *Green Gables* à Cavendish, la banque du fermier à South Rustico et le parc historique national de Fort Amherst/Port La Joye.



À l'heure du midi, un délicieux repas champêtre d'huîtres, de palourdes et de poulet sera servi au village de pêcheurs de Malpeque. Le *Women's Institute* nous servira un souper préparé dans le style traditionnel de l'Île avant que nous rentrions à Charlottetown pour la représentation d'*Anne of Green Gables*.

Le prix de chaque journée de visite (85 $) comprend les repas du midi et du soir, le droit d'entrée aux divers sites, le transport, la taxe et les pourboires.

DAY TOURS

PRE-CONFERENCE DAY TOURS
SEPTEMBER 6 AND 7

Explore the Island's cultural and natural heritage. Catherine Hennessey, founder and director of Island Identity, will expertly guide us on two one-day tours leaving from and returning to Charlottetown each day. Register early for either one or two days as space is limited.

Day 1 (September 6)

King's County at the eastern end of the Island has something for everyone: rolling farmland and pink sandy beaches, a gentle 19th century rural crossroad museum, East Point Lighthouse, the busy tuna port of North Lake and Dalvay-by-the-Sea summer resort.



We will enjoy lunch at Basin Head, with its magnificent "singing" sand dunes and fisheries museum, dinner at Tracadie Bay near P.E.I. National Park and a spectacular sunset drive back to Charlottetown.

Day 2 (September 7)

Discover the picturesque harbours, seaside villages, red sandy shores and historic attractions of central Queen's County. Highlights include several William Harris churches, Green Gables House in Cavendish, the Farmer's Bank of South Rustico, and Fort Amherst/Port La Joye National Historic Park.

A delightful picnic lunch of oysters, clams and chicken will be served in the fishing village of Malpeque. The Women's Institute will host a delicious home cooked Island supper before we return to Charlottetown in time for the evening performance of *Anne of Green Gables*.

The cost of each day tour ($85.00) includes lunch, dinner, tours, transportation, taxes and gratuities.

Illustrations: Lea Daniels. Reprinted with the permission of/Reproduites avec la permission de Reader's Digest Association Limited

LE MERCREDI 7 SEPTEMBRE

Réunion de la Fédération canadienne des Sociétés historiques

Les membres de la Fédération assistent à leur deuxième rencontre annuelle.

Une soirée au théâtre 19 h - 22 h 30

Passez une agréable soirée au Centre des Arts de la Confédération où la comédie musicale préférée des Canadiens, *Anne of Green Gables*, sera présentée pour la 23e saison consécutive. Une réception de "Bienvenue dans l'Île" sera offerte à notre intention par des amis du patrimoine. Nous aurons l'occasion de rencontrer la troupe après la représentation. Ne tardez pas à réserver vos billets. Date limite : 15 août.

LE JEUDI 8 SEPTEMBRE

Journée des représentants des provinces et territoires 9 h 30 - 15 h 30

Les représentants des groupes-membres se rencontrent pour discuter de questions se rapportant au thème de la Conférence, ou encore de questions d'ordre régional et national. Venez écouter leurs points de vue et apprendre à partir des expériences, réalisations et difficultés des divers groupes répartis à travers le pays.

Festin aux homards 17 h - 22 h

Voyagez en autobus à impériale sur la route pittoresque qui conduit de Charlottetown à New Glascow où vous pourrez vous régaler de délicieux homards servis à la manière traditionnelle, avec salades fraîches, petits pains chauds et desserts maison. En route, nous visiterons la maison *Green Gables* à Cavendish.

WEDNESDAY, SEPTEMBER 7

Canadian Federation of Historical Societies Meeting

Members of the Federation attend their second annual meeting.

Anne of Green Gables Evening 7:00 - 10:30 pm

Enjoy Canada's favourite musical, *Anne of Green Gables*, in its 23rd consecutive season at the Confederation Centre of the Arts and a "Welcome to The Island" reception hosted by local heritage friends. By special arrangement we will meet the cast after the performance. An unforgettable Island evening! Please register early.
Ticket deadline: August 15.

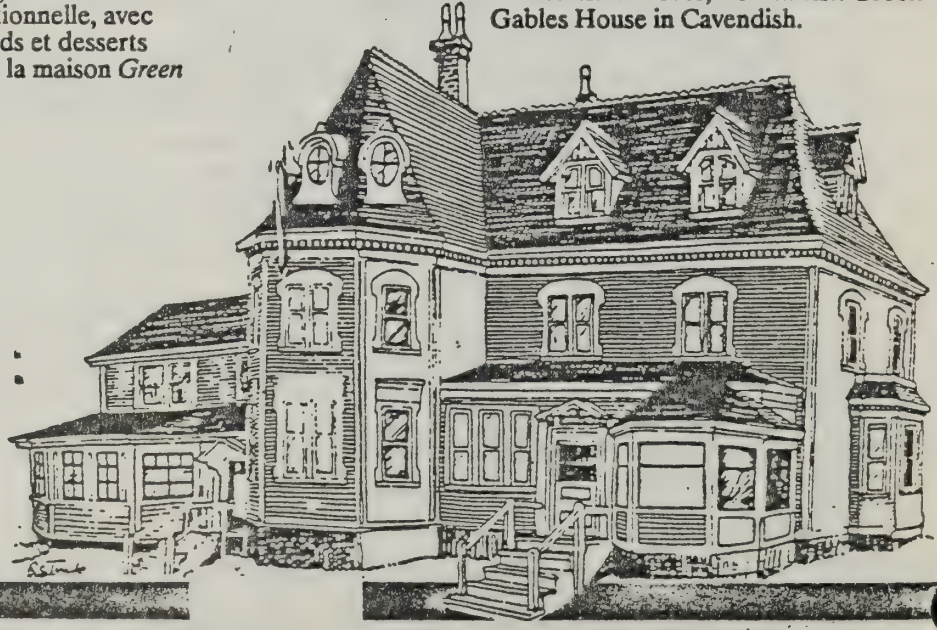
THURSDAY, SEPTEMBER 8

Provincial and Territorial Representatives Day 9:30 am - 3:30 pm

Representatives of heritage groups meet face-to-face to discuss topics which relate to the conference theme, as well as regional and national issues. Hear their views and learn from the experiences, achievements and difficulties of heritage groups across the country!

Lobster Feast 5:00 - 10:00 pm

Travel in double decker buses along the scenic winding route from Charlottetown to New Glasgow for a mouth-watering lobster feast, served in the traditional way with crisp salads, hot rolls and home-made desserts. En route, we will visit Green Gables House in Cavendish.



LE VENDREDI 9 SEPTEMBRE

Plénière 9 h - 12 h 30

Parlons-en! Les représentants des élus municipaux, promoteurs, urbanistes, groupes de citoyens et membres des media présenteront leur stratégie pour bien réussir un travail en collaboration. Après la pause-café, deux études de cas, une à Halifax, l'autre à Charlottetown seront analysées par nos conférenciers invités.

Conférenciers invités

- Jean Pelletier - maire de la ville de Québec
- Ron Soskolne - vice-président, Olympia & York Developments Limited
- Ken Greenberg - urbaniste, déjà au service de la ville de Toronto et présentement à son compte
- Marc Denhez - président d'Héritage Ottawa
- Adele Freedman - journaliste indépendante spécialisée dans les questions municipales
- Fred Hyndman - ex-président *Charlottetown Area Development Corporation.*
- Ben McCrea - président, Founders Square Limited

Repas du midi 12 h 30 - 14 h

L'honorable Tom McMillan, ministre de l'Environnement, conférencier invité

Ateliers 14 h - 16 h

Découvrez les défis présentés par la "nouvelle collaboration" en prenant part à une des tables rondes auxquelles participeront les conférenciers invités, les personnes-ressources, et d'autres délégués. (Veuillez indiquer vos choix d'ateliers sur le formulaire d'inscription.)

A. La planification : un instrument de contrôle ou de créativité?

B. Le processus politique encourage-t-il la collaboration?

C. Les promoteurs peuvent-t-ils concilier profits et sens civique?

D. Choréographie pour les groupes de citoyens - Comment peuvent- ils acquérir la continuité, la convergence des efforts et avoir de l'influence?

E. Conflits en matière de développement communautaire - Quel est le rôle des membres des media?

FRIDAY, SEPTEMBER 9

Plenary Session 9:00 am - 12:30 pm

Can We Talk? Elected officials, developers, planners, citizens groups and the media present their strategies for successful collaboration. After a coffee break, case studies from Charlottetown and Halifax will be analysed by our guest speakers during a panel discussion.

Guest Speakers

- Jean Pelletier - Mayor of Québec
- Ron Soskolne - Vice-President, Planning and Development, Olympia & York Developments Limited
- Ken Greenberg - Planner, formerly with the City of Toronto and now in private practice
- Marc Denhez - President of Heritage Ottawa, a lawyer and lobbyist specializing in heritage issues
- Adele Freedman - freelance journalist specializing in urban issues
- Fred Hyndman - Ex-Chairman, Charlottetown Area Development Corporation
- Ben McCrea - President, The Founders Square Limited

Lunch 12:30 - 2:00 pm

The Honourable Tom McMillan, Minister of the Environment, Guest Speaker

Workshops 2:00 - 4:00 pm

Explore the challenges of "The New Collaboration." Guest speakers, key resource people and small groups of delegates in round table discussion. (Please indicate two choices for workshop participation on the registration form.)

A. Planning: an instrument of control or a creative tool?

B. Does the political process encourage collaboration?

C. Can developers reconcile profits and civic responsibility?

D. Choreography for Citizens Groups - How can they achieve continuity, focus and power?

E. Conflicts in community development - What is the role of the media?

LE VENDREDI 9 SEPTEMBRE

Dîners dans des maisons historiques
19 h 30 - 22 h 30

Profitez de l'hospitalité chaleureuse des résidents de la région qui vous invitent à partager un repas et une soirée chez eux. Les places étant limitées, veuillez vous inscrire le plus tôt possible à cet événement fort apprécié.

LE SAMEDI 10 SEPTEMBRE

Le patrimoine en montre 8 h - 9 h 30 et 12 h - 14 h

Exposition sur table de documentation sur les activités des groupes. Partagez vos expériences avec d'autres délégués. Repas sur le pouce.

Rencontre des urbanistes responsables du patrimoine 8 h - 9 h 30

Les urbanistes se rencontrent au petit déjeuner pour discuter de questions d'intérêt mutuel.

Visites guidées de Charlottetown 10 h - 12 h

Visitez les points d'intérêt du patrimoine de Charlottetown à pied et en autobus.

15e Assemblée générale annuelle d'Héritage Canada 14 h - 16 h

Participez à la réunion d'affaires. Les membres élisent leurs représentants au Conseil d'administration.

Plénière 16 h - 16 h 30

Conclusion des ateliers et mot de clôture.

Réception chez le Lieutenant-gouverneur 18 h - 19 h

Le Lieutenant-gouverneur et Madame MacPhail recevront les délégués d'Héritage Canada pour un cocktail à leur résidence officielle. Visitez les magnifiques jardins de la propriété où plus de 500 variétés de roses sont cultivées.

Banquet et remise des prix 19 h - 22 h

Levez votre verre au succès des lauréats et partagez un repas de circonstance avec eux. Une présentation audio-visuelle permettra de mieux apprécier les réalisations à l'honneur.

FRIDAY, SEPTEMBER 9

Dinner in Historic Homes 7:30 - 10:30 pm

Enjoy Island hospitality at its best! Join local people in their homes for dinner and a taste of Island life. Please reserve early for this very popular annual event as space is limited.

SATURDAY, SEPTEMBER 10

Heritage Showcase 8:00 - 9:30 am &12:00 - 2:00 pm

Set up your groups' tabletop display and share your experience with other delegates. Informal. Buffet lunch.

Heritage Planners Meeting 8:00 - 9:30 am

Planners meet over breakfast to discuss matters of mutual interest.

Tours of Charlottetown 10:00 am - 12:00 pm

Visit Charlottetown's heritage highlights on guided walking and bus tours.

Heritage Canada 15th Annual General Meeting 2:00 - 4:00 pm

Attend the business meeting. Members vote for new Governors.

Plenary Session 4:00 - 4:30 pm

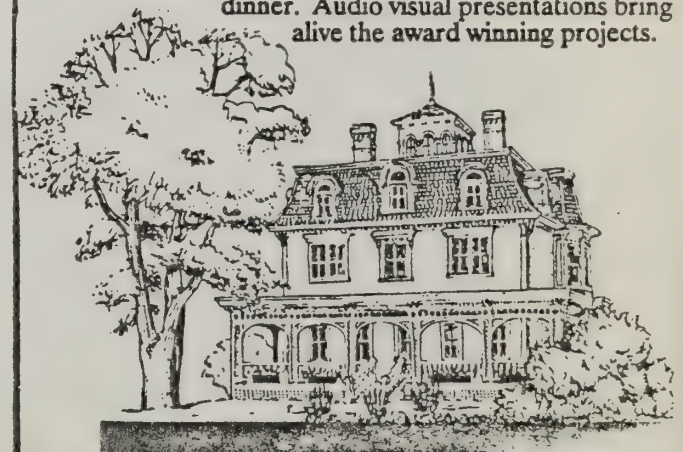
Workshop summary and closing remarks.

Government House Reception 6:00 - 7:00 pm

The Lieutenant Governor and Mrs. MacPhail will host a cocktail reception for Heritage Canada delegates at historic Government House. Visit the spectacular gardens with over 500 different rose bushes.

Banquet and Awards Presentation 7:00 - 10:00 pm

Toast our award winners and enjoy a festive dinner. Audio visual presentations bring alive the award winning projects.



FACILITIES AND ACCOMMODATION

The site for the conference is the Prince Edward Hotel and Convention Centre, a modern waterfront complex, close to fashionable shops, restaurants and attractions. Hotel rooms in the heart of historic downtown Charlottetown are reserved **until August 2, 1988. Please make your reservation at one of the following hotels:**

Prince Edward Hotel, 18 Queen St., P.O. Box 2170, Charlottetown, P.E.I., C1A 8B9, (902) 566-2222. Rates: single $86.00; double $99.00.

The Charlottetown, Kent & Pownal Sts., P.O. Box 159, Charlottetown, P.E.I., C1A 7K4, (902) 894-7371. Rates: single $50.00; double $60.00.

For further information on hotel, inn and bed & breakfast accommodation contact: P.E.I. Convention Bureau, 11 Queen St., Charlottetown, P.E.I. C1A 4A2 (902)368-3688.

Reserve your airline ticket by calling the official carriers: Air Canada Convention Central, 1-800-361-7585 or Canadian Airlines, 1-800-268-4704.

SERVICES ET LOGEMENT

Les activités de la Conférence auront lieu au Centre des Congrès de l'hôtel Prince Edward. Ce complexe moderne est situé au centre-ville historique de Charlottetown. Des chambres sont réservées pour les délégués d'Héritage Canada **jusqu'au 2 août 1988. Veuillez faire votre réservation vous-même à l'un des hôtels suivants:**

Hôtel Prince Edward, 18, rue Queen, C.P. 2170, Charlottetown, Î.-P.-É, C1A 8B9, (902) 566-2222 Occupation : simple 86$; double 99$.

The Charlottetown, Angle Kent et Pownal, C.P. 159, Charlottetown, Î.-P.-É., (902) 894-7371, Occupation : simple 50$; double 60$.

Pour plus de renseignements sur les hôtels, auberges et maisons d'hôtes, adressez-vous au : Prince Edward Island Convention Bureau, 11, rue Queen, Charlottetown, Î.-P.-É., C1A 4A2 (902) 368-3688

Réservez vos billets d'avion en appelant la Centrale de Congrès d'Air Canada 1-800-361-7585 ou Canadien International 1-800-268-4704.

FORMULAIRE D'INSCRIPTION

Conférence 88
Héritage Canada
C.P. 1358, succursale B
Ottawa (Ontario)
K1P 5R4
Tél : (613) 237-1066

Nom_____
Organisme_____
Adresse_____
Ville_____Province_____
Code postal_____ Tél :_____

☐ J'inclus un chèque ou mandat-poste payable à Héritage Canada

☐ Veuillez facturer mon employeur. Bon de commande ci-inclus.

☐ Visite pré-conférence Jour 1 — 85 $_____

☐ Visite pré-conférence Jour 2 — 85 $_____

☐ Inscription*
Avant le 1er août — 125 $_____
Après le 1er août — 150 $_____

J'aimerais participer à l'atelier:

A B C D E (Encerclez votre 1er choix)
A B C D E (Encerclez votre 2e choix)

☐ Comédie musicale *Anne of Green Gables* — 19,50 $ _____

☐ Festin aux homards — 25,00 $ _____

☐ Dîner dans des maisons historiques — 25,00 $_____

☐ Le patrimoine en montre (frais d'exposant) — 35,00 $_____

☐ Banquet et remise des prix — 30,00 $_____

Total_____

* *Les frais d'inscription donnent droit à toutes les séances d'information, aux ateliers, à la réception d'accueil, aux repas du midi de vendredi et de samedi, à l'exposition des divers groupes voués à la conservation du patrimoine, aux visites guidées de Charlottetown et à la réception du Lieutenant-gouverneur.*

REGISTRATION FORM

Conference 88
Heritage Canada
P.O. Box 1358, Station B
Ottawa, Ontario
K1P 5R4
(613) 237-1066

Name_____
Organization_____
Address_____
City_____ Province_____
Postal Code_____ Tel. No._____

☐ Cheque or money order payable to Heritage Canada enclosed.

☐ My employer is to be invoiced. Purchase order enclosed.

☐	Pre-Conference Tour, Day 1	$85.00_____
☐	Pre-Conference Tour, Day 2	$85.00_____
☐	Registration*	
	Before August 1	$125.00_____
	After August 1	$150.00_____

I would like to participate in workshop:

A B C D E (Circle your 1st choice)
A B C D E (Circle your 2nd choice)

☐	*Anne of Green Gables* (ticket deadline: Aug. 15)	$19.50_____
☐	Lobster Feast	$25.00_____
☐	Dinner in Historic Homes	$25.00_____
☐	Heritage Showcase Display Space	$35.00_____
☐	Awards Banquet	$30.00_____
		Total_____

** The registration fee includes all sessions, workshops, opening reception, Friday and Saturday lunch, the Heritage Showcase, tours of Charlottetown and reception at Government House.*

cc. Mr. E. A. Simpson, City Clerk
Mr. Dan Vyce, Commissioner of Property
Council Members
Mr. Joel Schatz, Secretary - Executive Committee
Mrs. Susan Reeder, Secretary - Planning & Development Committee

MAY 5 1988

Rec'd Mayor Bob Morrow, May 10th, 1988

The Social Planning & Research Council of Hamilton and District

155 James St. S., 6th Floor, Hamilton, Ontario L8P 3A4 Telephone: 522-1148

3.

May 4, 1988.

Robert M. Morrow
Mayor, City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Bob:

As a component of a Ministry of Community and Social Services funded project concerning self-help groups, we hope to examine the feasibility of utilizing West Avenue School as a central facility for groups from around the City. It is anticipated that this component of the project will be completed by mid-June. The specific issues which this study will address will include:

a) The ability of interested self-help groups to carry the operating costs of the facility.

b) Potential sources of capital funding for the structural upgrading of the facility.

c) Potential cost-savings to the resident groups through shared overheads.

The purpose of the study will be to establish whether or not the school could be operated as a central facility for self-help groups without a need for ongoing financial support from the City.

I understand that Theatre Aquarius is interested in using the facility on an interim basis. We hope that Council will look favourably on this request as it would allow for a temporary solution to the problem of supporting the facility.

If you need any further information about our plans in this regard, please do not hesitate to contact me.

Respectfully,

Mike

Mike Pennock,
Executive Director.

c.c. Alderman Wheeler
Alderman Christopherson
Alderman Hinkley
Alderman McCulloch
Alderman Cowell

OPINION

In search of innovation in the cities

Greater density can add excitement to urban living

By Otto A. Silha

NOT long ago Eliot Janeway, the political economist, told his clients, "Forget your hopes for housing. Overnight drops in mortgage rates won't hook new buyers. . . . Housing starts can't recover with homes for sale a drag on *all* local real estate markets."

Whether you agree with Mr. Janeway or not – and you probably don't – and whether he's right or not, perhaps one reason that housing in the United States has been, is, and may continue to be flat is failure of our private and public leadership to provide potential buyers with innovative, exciting places to live.

One element of drama and excitement for some people – not all, mind you, but some – is provided by greater density in their living, working, and playing. Meanwhile, opponents of that possibility, taking advantage of the vagaries of environmental reviews and impact statements, have given higher-density housing a bad name.

On Manhattan's East Side, preservationists are attacking density in a city whose crowds and skyscrapers are world famous. Fortunately, the city planning commission is resisting the proposal to halt an increase in apartment towers.

Incidentally, the average density on New York's Park Avenue is 300 households per acre. By comparison, Bertrand Goldberg's Marina City in Chicago has 600 households per acre, still, I believe, the highest density in the Western world.

It is true that more innovative planners, and certainly futurists, have sought to advance the density principle beyond what Manhattan has produced by accident as a result of land costs, and beyond even what Bertrand Goldberg produced in Chicago by design.

The architect-philosopher Paolo Soleri of Arizona best represents futurists with a dream of the ultimate urban density. He calls his urban design discipline "arcology," a combination of architecture and ecology.

One of Mr. Soleri's arcologies, called "A 3-D Jersey," was commissioned by the State of New Jersey, Rutgers University, and the Ford Motor Company. The proposed structure would be three times as high as the Empire State Building, and a mile and a half wide, where a million people could live and work in hivelike urban colonies.

An approach to futuristic urban change more practical than Soleri's emerged in the mid-1960s in the form of the Minnesota Experimental City Project. A distinguished group of experts, under the auspices of the University of Minnesota, began work to test the basic notion of a new kind of city, and to identify the ways in which such a project could be usefully developed.

The 1965-73 project was founded on recognition that urban innovation was approached in piecemeal fashion at best and had been the subject of surprisingly little research and development. In no other part of our society had so much public and private investment been made based on such limited information.

Some of the experiments planned for the Minnesota Experimental City included:

- An automated transit system, using personal vehicles, all designed by Ford engineers and displayed in model form at Transpo 74.
- All public buildings designed for educational use.
- Land bond financing that would provide funds to build the city's infrastructure with a majority of the land value increase resulting from the public decision to build the city. In this plan, residents would pay for services and receive dividends rather than a tax bill.
- And a large-scale enclosure (100 acres-plus) supported by housing structures with Goldberg density.

The project was stalemated by the 1973 energy crisis, world economic turmoil, and the years of public and private indecision that have followed. And that is typical of what has happened in our country since we landed on the moon in 1969.

It was no wonder that when the Japanese, early in this decade, began to plan their Technopolis concept – to build a network of more than 20 high-tech cities throughout their country – the only places they visited in the US were Disney World and Silicon Valley.

Where are our new cities? Almost every other major country in the world (and some minor ones) have made significant progress in the design and building of innovative urban centers. A dozen of Japan's Technopolis cities are under construction, and you can bet that their housing designs, spurred by their frugal use of land, will forge new frontiers in housing density.

It is patently true that the failure of US new town projects contributed to the nation's housing crisis.

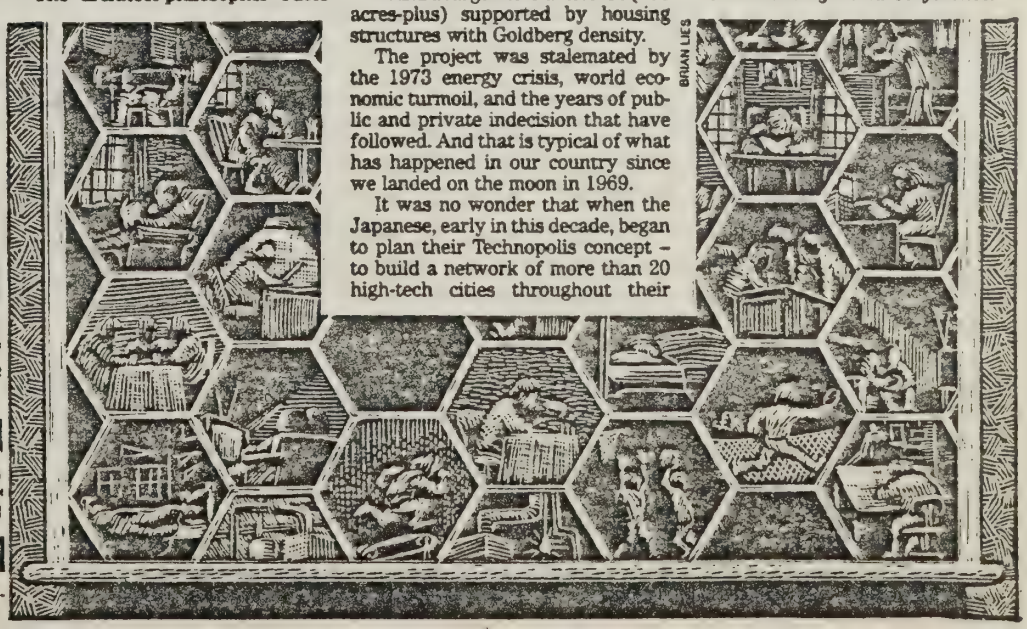
Cities are the lifeblood of any nation's vitality and the engines of economic growth. They are the centers of work, community, and prosperity.

At a time when the National Commission on Space is recommending that we spend $700 billion on a space colony and a mission to Mars, we must also direct major attention to earthly problems. It is time to marshal private and public leadership to develop new projects, new towns, to test and demonstrate new systems and services, to provide models and show results.

City building and the rebuilding of our present cities will be the major industry in our nation in the year 2000. The combination of the need to innovate and our crumbling infrastructure – roads, sewers, bridges – dictates that fact of life.

The private sector must take the lead, with significant, energetic support and encouragement from public leadership. Housing in innovative settings can be an important initiative. We have high business density in office buildings; we have high people density in shopping centers. We should consider higher density in creative housing.

Otto A. Silha is chairman of the Innovative City Project and Multihousing World Conference.



BRIAN LIES

5.

CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Executive Alderman

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500 — WARD 3

REPORT TO: Planning and Development Committee

FROM: Alderman Brian Hinkley

DATE: May 18, 1988

SUBJECT: **ATTENDANCE AT AMERICAN PLANNING ASSOCIATION CONFERENCE SAN ANTONIO, TEXAS APRIL 30 - MAY 4, 1988**

INTRODUCTION - "THE CITY"

The American Planning Association Conference was held in one of the most exciting cities that I have had the opportunity to visit. San Antonio is a city of history. The Historical Association, through enormous efforts, have managed to maintain the historical strengths of this city, and in the process, reaped enormous economic benefits.

For a city of nearly 1 million people, it does not have the noise and aggravation that you would think for a large city. While there is traffic during the day, the evenings are quiet. Arriving in the city late at night, you will find it very peaceful and relaxing, but fun loving. I stayed at the Menger Hotel which is located right beside the Alamo.

It gives one a very unusual feeling when there is so much history all about you. Many of the buildings are restored and maintained, and have a history of their own. I have never seen a city that has so many historical plagues on its buildings. Virtually everyone and anyone who has contributed in one way or another is mentioned.

Without a doubt, San Antonio's greatest asset is its river. The Riverwalk is every city-dweller's dream. One cannot describe in words how the river provides a peaceful oasis just below the hustle and bustle of the city above. One would have to experience this marvel of planning to appreciate what has been accomplished. The economic stimulus that the Riverwalk has provided San Antonio could not fully be measured.

Between the historical sites and the Riverwalk, these two features really make the city a tourist attraction like no other.

It is interesting to note that the Riverwalk almost became a sewer system.

WORKSHOPS

I had the opportunity to attend the following workshops, the titles of which are as follows:

- *Developing better writing skills*
- *Meet the press*
- *Planners, law makers, and the press; blueprint for success*
- *Local economic development policy in Texas*
- *The comprehensive plan: the state of the art*
- *Project management planning*

I found the workshops to be very interesting. However, much of the subject matter was, for me, repetitive. It was interesting to observe and listen to questions that delegates from other municipalities asked. The nature of the questions, to me, demonstrates that Hamilton is very advanced in many areas of planning.

One always learns new things from conferences, and I was able to obtain some interesting and useful information.

OTHER EVENTS

A bus tour of the city was scheduled for the first day of the conference, and took up most of the day. This tour was useful in identifying major locations and particular areas referred to during the workshops.

The preliminary luncheon was probably; from a politician's point-of-view, one of the most interesting. The keynote speaker was the Mayor of San Antonio, Mr. Henry G. Cisneros. As you can appreciate, I have attended many functions during my years in politics. I would say, without a doubt, that Mr. Cisneros is one of the best speakers I have ever had the privilege of hearing. He received a standing ovation, which was well deserved.

Prior to the luncheon, I had heard a considerable amount of discussion about the Mayor, and his charisma, hard work, management style and vision for the future. Mr. Cisneros' professional capacity is that of a planner, and this articulate gentleman operates the city on the basis of planning goals and objectives. Many Americans believe that Mr. Cisneros will someday be a presidential candidate.

VISIT TO CITY HALL

I had the opportunity to visit San Antonio City Hall, and spoke to various city officials. San Antonio's administrative operations are spread out in a number of locations throughout the city.

I had a brief discussion with one of the members of Council, and the City Clerk. They were kind enough to present me with a book on San Antonio, and explained their operations.

The City Clerk and member of Council were very helpful.

I found it incredible that the city bureaucracy functions much in the way a small town would function. There was not a computer or word processor to be found.

I would like to share some of my observations more fully verbally with the members of Council.

RECOMMENDATIONS

1. *The City of San Antonio have a designated area known as the "History Walk". I found the manner in which they designated the area to be very unique. Texas, as you know, is known as the Lone Star State. The people there have placed at various locations brass stars embedded in the sidewalk throughout the city.*

   Hamilton has many beautiful historical buildings of architectural merit. This idea to me is a lot less expensive, and does not produce the clutter that signs do.

   I suggest that we examine the feasibility of a similar program in Hamilton.

2. *This conference has, once again, reinforced a philosophy that I have held for the last few years. All members of Council should be encouraged to attend conferences in other cities.*

   I believe it is particularly valuable for the newer members of Council to talk with other politicians from around Canada and the United States.

   I recommend that members of Council take advantage of these opportunities as there is a great deal to learn.

CONCLUSION

I would like to express my appreciation to the Chairman of the Planning and Development Committee, John Smith, for designating me as his representative from the Committee to attend this conference.

There is a considerable amount of information that I would like to share with members of Council, and will do so verbally when I present this report.

6.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: June 7, 1988
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

1. 432 Ferguson Avenue North
2. 938 Upper Paradise Road
3. 922 Upper Paradise Road
4. 912 Upper Paradise Road
5. 22 East 7th Street
6. 140 Burlington Street East
7. 1468 Upper James Street
8. 310 Britannia Avenue
9. 153 Nash Road North

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE June 7, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A	432 Ferguson Ave.N.	S.F.D.	Lot space for neighbour-ing dwelling	60' x 49.5'	P. Huneault	"D"	It is recommended that Committee approve demolition.
B	938 Upper Paradise	S.F.D.	Commercial Plaza	79' x 259'	Arosa Properties Limited	"G/S-836"	It is recommended that Committee approve demolition.
C	922 Upper Paradise	S.F.D. Plaza	Commercial	79' x 259'	Arosa Properties Limited	"G/S-836"	It is recommended that Committee approve demolition.
D	912 Upper Paradise	S.F.D.	Commercial	157' x 407.85'	Arosa Properties Limited	"CR-2/S 959" "CR-2/S 959a" Not Final	It is recommended that Committee approve demolition.
E	22 East 7th St.	S.F.D.	S.F.D.	50' x 132'	Art Rozendel	"C"	It is recommended that Committee approve demolition.
F	140 Burlington St.	S.F.D.	S.F.D.	28' x 180.16'	Leo Legere	"D"	It is recommended that Committee approve demolition.

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE June 7, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
G	310 Britannia Ave.	S.F.D.	S.F.D.	25' x 83.91	Russell Earle	"C"	It is recommended that Committee approve demolition.
H	53 Nash Road North	S.F.D.	S.F.D.	45' x 90'	The Serbian Eastern Orthodox Church of St. Nicholas	"C"	It is recommended that Committee approve demolition.

P.C. Lampman, P. Eng.
Director of Plan Examination

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE June 7, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A	1468 Upper James	S.F.D.	Vacant	155.09' x 504.75'	Ed's Garden Centre	"C"	It is recommended that Committee approve demolition.
B	25 Gerrard	S.F.D.	Alpha Enclave (West)	19' x 100'	Future owner, City of Hamilton	"K"	It is recommended that Committee approve demolition.

P. C. Lampman, P. Eng.
Director of Plan Examination

7.

FOR ACTION

REPORT TO:

Mrs. S.K. Reeder
Secretary
Planning and Development Committee

FROM:

Mr. Paul Kuppe, P. Eng.
Building Commissioner
Building Department

DATE: 1988 June 8
COMM. FILE:
DEPT. FILE: 88.2.6.1

SUBJECT:

Administration - Lot Grading

RECOMMENDATION:

For the purpose of implementing the new lot grading obligations for subdivisions, approved by Council on February 29, 1988, it is recommended:

(a) That the form of the City's Subdivision Agreement be revised for all Subdivision Agreements executed by the City on or after August 1, 1988 as follows:

    (i) To require Subdividers to provide the City with their Engineer's Certificate (on compliance with the lot grading obligations) within six (6) months of the insulation inspection date;

    (ii) That if the Engineer's Certificate is not received within the six (6) month period, or if received, is not in compliance with the provisions of the Subdivision Agreement, that the City may obtain, at the Subdivider's expense, the required Certificate and recover the cost thereof out of the security held by the City pursuant to the Subdivision Agreement;

(iii) To require the Subdivider to pay a "Lot Grading Inspection Fee" in the amount of $153.00 per lot or block to cover the costs incurred by the Engineering and Building Departments in reviewing, approving, inspecting and enforcing each subdivision's lot grading plan and detailed grading plans.

(b) The Building Department budget be increased by $75,518.00 to accommodate the hiring of two additional Building Inspectors and one stenographer commencing September 1, 1988 and that the Finance Committee be requested to recommend a method of financing.

FINANCIAL IMPLICATIONS:

The Building Department Budget will be increased by $75,518.00 in Year 1 and $127,554.00 in Year 2. If 1000 houses are built per year the annual revenue generated by the "Lot Grading Inspection Fee" will be $153,000.00.

BACKGROUND:

City Council at their meeting of February 23, 1988 approved a new policy on lot grading, as recommended by the Task Force, requesting that the Ontario Building Code be amended to control retaining walls over 1.0 metres in height, that the Property Standards By-Law control all retaining walls, that grading in subdivisions be complete within 6 months, that the owner of a lot not regrade his lot to be detriment of his neighbours and that the subdivision agreement be amended as above, and further to have grading controls registered on title in perpetuity.

No budget was established at that time for staffing and expenditures necessary to implement the policy. The Planning and Development Committee at their meeting of March 30, 1988 passed a resolution directing that staff prepare a report on administrative and budget requirements to implement the policy.

Staff of the Building Department interviewed representatives of Ancaster, Stoney Creek, Burlington and Dundas to determine staff requirements. Stoney Creek was the only one able to provide a definitive answer, that being one inspector and support staff per 500 houses per year. In 1987 Hamilton issued permits for 975 one and two family dwellings and on the above basis would require two inspectors and one stenographer.

With respect to the recovery of the above costs, it is the staff recommendation that where the builder chooses not to provide a certificate as to the compliance of the as-built grading, that he be required to pay the City's cost of preparing a report on the grading. You will note that we have estimated costs of $20,000 per year ($10,000 initially) for this purpose. This cost should be made recoverable under the Subdivision Agreement.

Also it is recommended that a lot grading fee of $153.00 per lot be charged to each subdivision to pay the City cost of $125.00 per lot and the Region's cost of $28.00 per lot, which is the cost of administering the program.

c.c. Mr. K.A. Rouff
City Solicitor
c.c. Mr. E. Matthews
City Treasurer
c.c. Mr. G.S. Spencer
Regional Commissioner of Engineering

BUDGET - GRADING

Building Inspector	$ 32,172
Benefits @ 17%	5,457
	$ 37,629
Stenographer III	$ 18,870
Benefits @ 17%	3,210
	$ 22,080

YEAR 1 COMMENCING SEPTEMBER 1, 1988

2 Building Inspectors

Wages & Benefits	$ 25,086
Vehicles	20,000
Vehicle Rental	3,072
Equipment	500
Training	500
Furniture & Office Alterations	5,000
	$ 54,158

1 Stenographer III

Wages & Benefits	$ 7,360
Equipment	$ 1,500
Furniture & Office Alterations	2,500
	$ 11,360
Surveying & Investigation	$ 10,000
T O T A L	$ 75,518

YEAR 2

2 Building Inspectors

Wages & Benefits	$ 75,258
Vehicle Rental	9,216
Equipment	500
Training	500
	$ 85,474

Stenographer III

Wages & Benefits	$ 22,080
Surveying & Investigation	$ 20,000
T O T A L	$127,554

9

FOR ACTION

REPORT TO:
Susan K. Reeder, Secretary
Planning and Development Committee

FROM:
E. W. Kowalski, Director
Department of Community Development

DATE: 1988 June 02
COMM FILE:
DEPT FILE: Facade 37

SUBJECT:

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of $12,546.00 be approved for F. B. Smith McKay Florists Ltd., owners of 238 James Street North. The interest rate will be 4.5 percent, amortized over 10 years.

E. Kowalski
Director
Department of Community Development

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

The owners of 238 James Street North have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Jamesville B.I.A. have reviewed the plans and have approved the work which is to be undertaken by the owners. L.A.C.A.C. have also given their approval.

The Department of Community Development, therefore, recommends the approval of a Commercial Facade Loan to F. B. Smith McKay Florists Ltd. for improvements to 238 James Street North in the amount of $12,546.00. The loan will be amortized over a ten year period at 4.5 percent interest. The monthly payments will be $130.05, and will be secured by a Promissory Note and a lien registered on title.

FOR ACTION

JUN 9 1988 10.

REPORT TO:
Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM:

Mr. E. W. Kowalski, Director
Department of Community Development

DATE: 1988 June 09
COMM FILE:
DEPT FILE: 800-0014
800-0610

SUBJECT:

Business Improvement Area, Commercial Improvement Programme; 1988-1991 Submission.

RECOMMENDATION

i) That, the staff recommendations based on the Business Improvement Area Commercial Improvement Programme submissions, attached as Schedule 'A' be approved at an estimated gross cost of $596 770; and,

ii) That, the Department of Community Development be authorized to implement the recommendations in (i) above.

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

On 1987 January 29, City Council approved the Department of Community Development's capital budget submission of five hundred thousand dollars ($500 000) per year for the next five (5) years for a total of two million, five hundred thousand dollars ($2 500 000), for the Commercial Improvement Programme. City Council, at its meeting held 1987 May 26, adopted item #1 from the 12th Report of the Executive Committee for 1987, recommending that the Commercial Improvement Programme be proceeded with at an estimated gross cost of two million, five hundred thousand dollars ($2 500 000).

BACKGROUND:

Between February and May of 1987, submissions were accepted for the Programme from all eligible B.I.A.'s. In 1987 there were six (6) B.I.A.'s that made application and were eligible for the Commercial Improvement Programme and this year there are seven (7), the newest being the Barton General B.I.A.

For the purpose of reviewing these applications a staff advisory committee was established in 1987 and again in 1988, comprised of representatives of all affected departments. Based on this expertise Schedule 'A' has been formulated.

COMMERCIAL IMPROVEMENT PROGRAMME

Objective

The Commercial Improvement Programme has been established to address the physical and economic needs of Business Improvement Areas, as they pertain to municipally owned lands. In other words, to improve municipal property (i.e., sidewalks, streets, and associated infrastructure) located within legally defined Business Improvement Areas. Recommendations for the use of this programme were based primarily on a selection criteria (Commercial Improvement Programme and Selection Criteria available through the Secretary of the Planning and Development Committee).

Goals

As per attached Schedules 'A' and 'B', 1987 and 1988 Implementation Lists reflect the proposed schedule, costs and expected completion dates, as the enormity and sequentiality of certain projects require staging. If we are able to carry out these projects at a faster rate, we will attempt to do so.

SCHEDULE 'A'

COMMERCIAL IMPROVEMENT PROGRAMME

1988 IMPLEMENTATION COSTS

B.I.A.	Item			Costs	Date
Barton General	32 poles and luminaires			$ 81,000	1988
	maintenance costs for 32 poles & luminaires	$ 800			
	80 flower baskets			11,500	1988
	80 flower baskets (annual maintenance)	$18,000	88/89		
	interlocking pavers			64,000	1988
	street blades			6,000	1989
	drinking fountains (3)			30,000	1989
	banners			15,000	1989
Concession Street	pole receptacles			3,200	1988
	6 benches			3,600	1988
	flower basket pole banners			10,000	1989
Downtown Promenade	Gore Park electrical upgrade			12,000	1988
	uplighting in Gore Park			8,800	1988
	uplighting maintenance	$ 800	88/89		
	36 flower baskets, poles			19,000	1989
	36 flower baskets (annual maintenance)	$8,000	1989		
	28 planters			11,100	1988
	28 planters preparation (annual maintenance)	$5,000	88/89		
	flag poles in Block 3 of Gore Park			8,000	1989
International Village	sidewalk inlays			15,000	1989
Ottawa Street	sidewalk reconstruction, pavers			61,000	1988
	bike racks			1,200	1988
	2 trees			1,500	1988
	litter containers			5,000	1988
	street blades			4,000	1989
Westdale Village	21 poles & light fixtures			86,000	88/89
	Maintenance of poles and light fixtures	$1,200	1989		
	12 concrete painted benches			4,000	1988
Sub-total				$460,900.00	
Contingency 20%				$ 92,180.00	
Administration 10%				$ 46,090.00	
TOTAL				$596,770.00	

Note: Previously Approved by City Council under Emergency Procedures

Queen Victoria and Sir John A. MacDonald statues - restoration
$8,000 - 1988

Note: The Annual maintenance costs have been provided, for your information, by the Public Works and Regional Engineering Department as the Departments responsible for same. Their annual operating budget will reflect these amounts in subsequent years.

SCHEDULE 'B'

1987 IMPLEMENTATION LIST

Business Improvement Area (B.I.A.)	Implementation	Cost	Target Date	Status
Concession Street	6 new poles with banners	$ 9,000	1988	complete
	1 drinking fountain	3,500	1988	complete
	sidewalk repair & brick pavers (Upper Wentworth)	19,000	1987	complete
	Concession St., Poplar to Viewpoint	11,500	1987	complete
	Concession St., E. 18 to E. 19th	9,000	1987	complete
	6 wrought iron benches	3,600	1987	complete
Westdale Village	boulevard, sidewalk improvements (Sterling St., North Oval to King St.)	10,000	1987	complete
	island improvements	36,000	1987	complete
	banners (9)	2,800	1988	in progress
	hanging flower baskets	6,750	1988	complete
	shelters (4)	60,000	1988-1989	in progress
	benches (4), paint old ones	1,500	1987	complete
Ottawa Street	trees and buffering to the entrance, exits - parking lots	110,000	1987	in progress
International Village	6 wrought iron benches	3,600	1987	complete
	40 hanging flower baskets	20,000	1988	complete
		$ 306,250		
	Contingency 20%	61,250		
		$ 367,500		
	Administration 10%	30,625		
	TOTAL	$ 398,125		

11.

FOR ACTION

REPORT TO: MR. J. D. THOMPSON, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: MR. E. C. MATTHEWS
TREASURER

DATE: 1988 JUNE 01
COMM FILE:
DEPT FILE:

SUBJECT:

FINAL RELEASE OF HOLDBACK

RECOMMENDATION

That total Holdback in the amount of $5,850.00 be released to S.M. Roscoe Architect Inc. for the completion of the contract, P.O. 24473, for the architectural services for the Downtown Action Plan - Phase V pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitors Department.

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

Contractor is entitled to release of Holdback on the 46th day from total completion within the Construction Lien Act.

BACKGROUND

The contract, P.O. 24473, was originally authorized by Council on October 14, 1986 in the amount of $58,500.00. The contract is totally complete as of May 27, 1988 and the 45 day Lien period expires June 11, 1988. I am therefore recommending release of all Holdbacks retained at this time pending receipt of the necessary release forms.

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1988 May 26
COMM FILE:
DEPT FILE: S703-35
I.D. 0134D(31)

SUBJECT

Cardinal Heights Addition No. 5, Phase 3", Lot 5

RECOMMENDATION

hat the City not take any further action with respect to Lot 5, ardinal Heights Addition No. 5, Phase 3, providing Starward Homes td. offers $1,200.00 to the owner of Lot 5 for settlement on lot rading.

G. S. Spencer
Commissioner of Engineering

ACKGROUND

ardinal Heights Addition No. 5, Phase 3, is a subdivision where the rading was to be completed several years after the initial con- truction, with the resulting fence erection and landscaping before he last of the grading disputes are settled. This has made it ifficult to settle the dispute on Lot 5.

he grading in the vicinity of Lot 5 is reasonable, but Lot 5 is omewhat lower than the surrounding lands because of changes which ere done on the surrounding lands several years ago. Lot 5 grading tself is not extremely bad, but slight improved drainage would be eneficial. In order to achieve this, a number of meetings were eld by the subdivider's staff, his consultant, City staff and Mr. erguson, the owner of Lot 5. Many solutions were proposed, but Mr. erguson kept insisting that the neighbour's lands should be owered, which in the other's opinion, was not reasonable. Finally, fter many more phone calls, Mr. Ferguson sent the City a letter in hich he indicated what he considers acceptable. This, in turn, nvolves the lands of the other owners.

t is the staff's opinion that, while Lot 5 is not graded perfectly, here is no serious drainage problem on it. Furthermore, the owner as turned down the subdivider's proposal to regrade, and the egional staff's solution, which was a catch basin.

cont'd...

13 a

F O R A C T I O N

REPORT TO: S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
COMMISSIONER OF ENGINEERING

DATE: 1988 May 25
COMM FILE:
DEPT FILE: S701-51
ID#0043D(44)

SUBJECT:

"AQUILA PLACE - PHASE 2, Hamilton
(cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

(a) That the Corporation of the City of Hamilton accept the sum of $4,200.00 as cash payment in lieu of the 5% dedication in connection with "AQUILA PLACE - PHASE 2", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

for R Patrick
G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

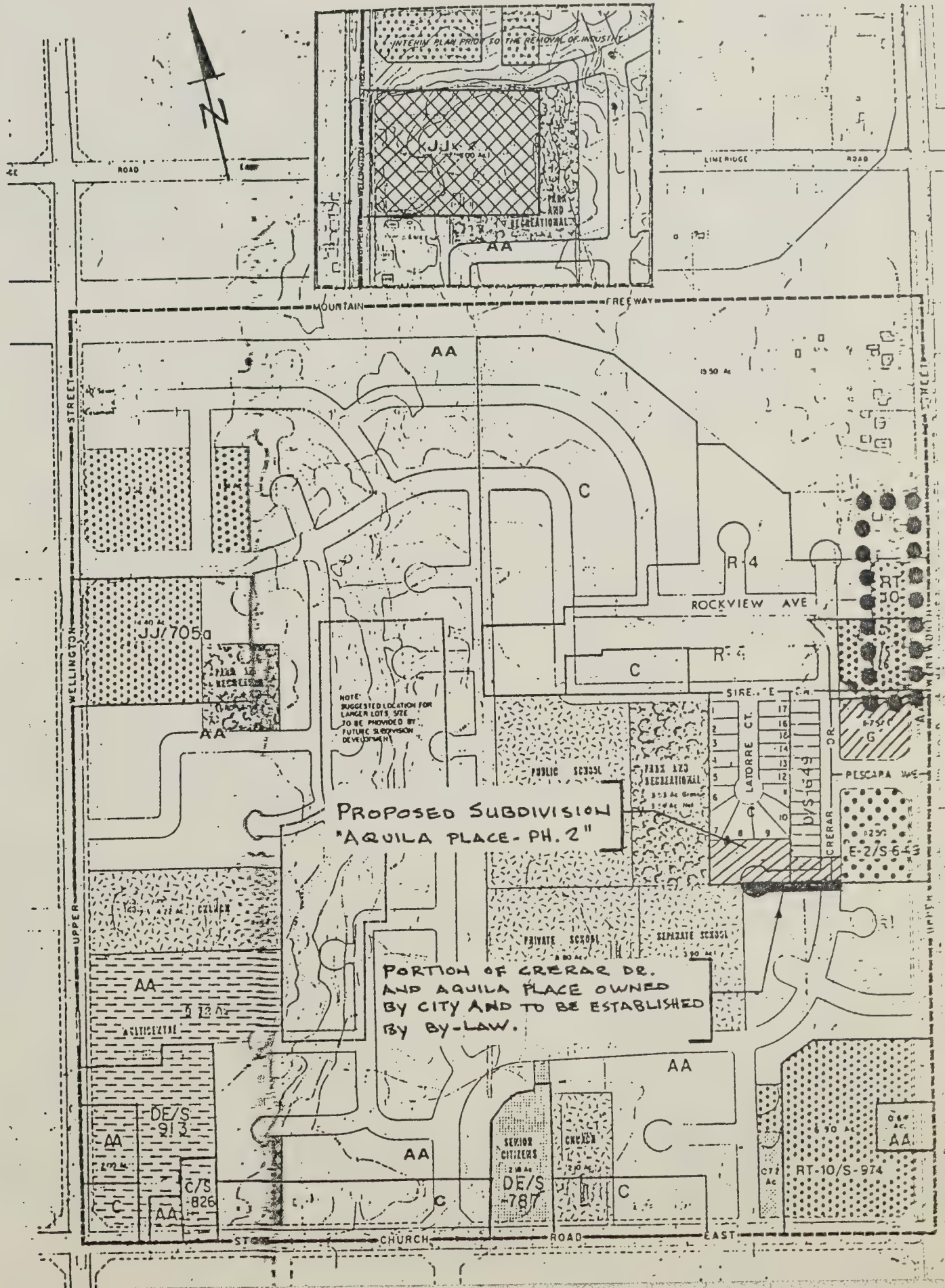
In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be $4,200.00.

NOTE: These lands are located south of Limeridge Road and west of Upper Wentworth Street in the Crerar Neighbourhood, Hamilton.

CAU:sm
Attach.

cc: D. Consoli, City Treasury Department

KEY MAP
N.T.S.


INTERIM PLAN PRIOR TO THE REMOVAL OF INDUSTRY
MOUNTAIN FREEWAY
WELLINGTON STREET
UPPER WELLINGTON STREET
LIMERIDGE ROAD
ROCKVIEW AVE
CRERAR DR.
LATORRE CT.
PESCARA
CHURCH ROAD EAST
PROPOSED SUBDIVISION "AQUILA PLACE - PH. 2"
PORTION OF CRERAR DR. AND AQUILA PLACE OWNED BY CITY AND TO BE ESTABLISHED BY BY-LAW.
NOTE: SUGGESTED LOCATION FOR LARGER LOTS SIZE TO BE PROVIDED BY FUTURE SUBDIVISION DEVELOPMENT
PARK AND RECREATIONAL
PUBLIC SCHOOL
PRIVATE SCHOOL
SEPARATE SCHOOL
SENIOR CITIZENS
CHURCH
JJ/705a
JJK
AA
C
R4
RT-10
DE/S-913
C/S-826
DE/S-787
RT-10/S-974
D/S-1949
E-2/S-643
G

MAY 10 1988

13b.

F O R A C T I O N

REPORT TO: S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1988 May 05
COMM. FILE:
DEPT. FILE: S723-40
I.D. 0016D(23)

SUBJECT

"WISEMOUNT FOREST SURVEY - PHASE 4", Hamilton
(Cash payment in lieu of 5% Parkland Dedication.)

RECOMMENDATION

(a) That the Corporation of the City of Hamilton accept the sum of $7,500.00 as cash payment in lieu of 5% dedication in connection with "WISEMOUNT FOREST SURVEY - PHASE 4", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

G. S. Spencer
Commissioner of Engineeering

FINANCIAL IMPLICATION

N/A.

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be $7,500.00.

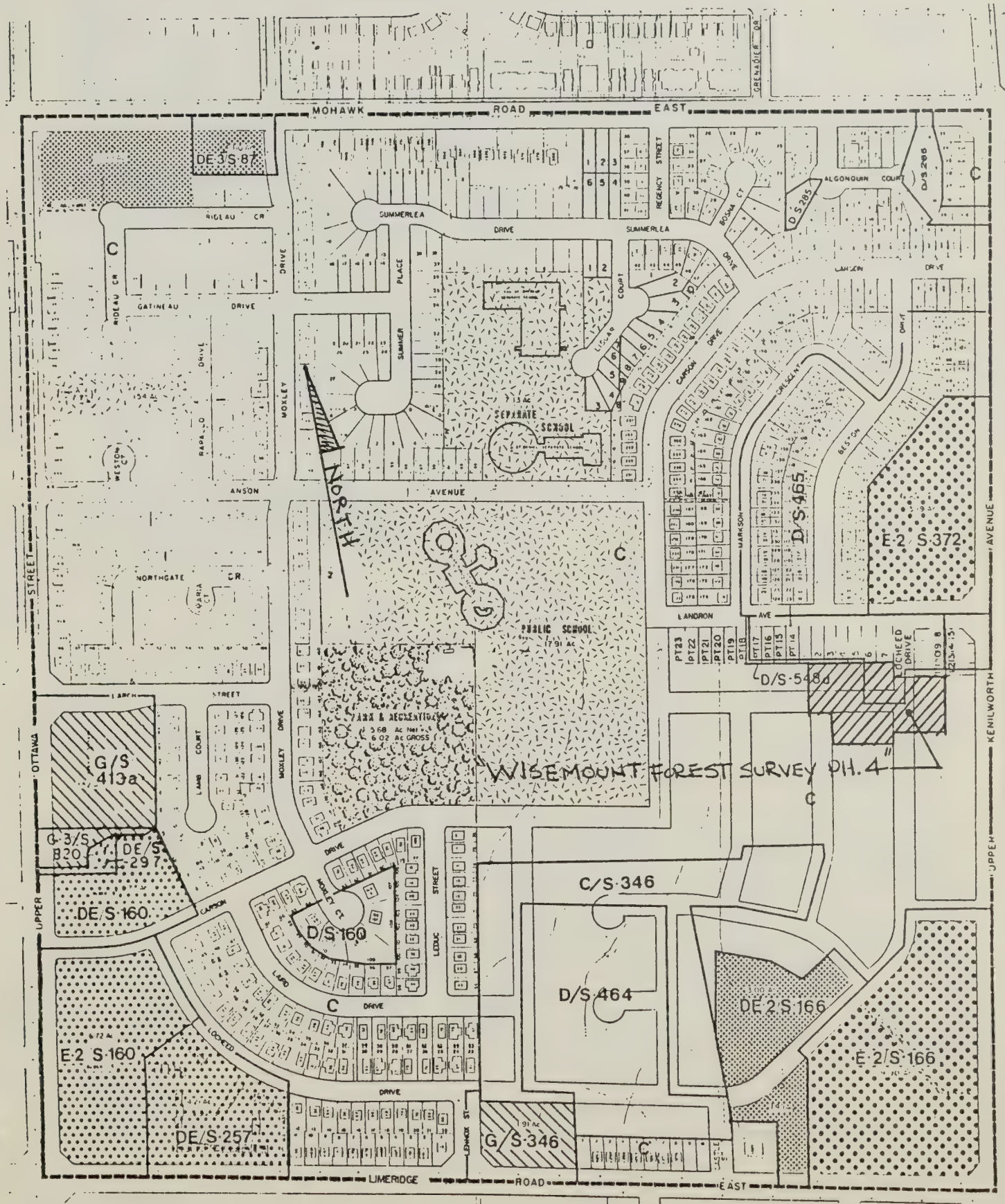
NOTE: The lands are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

CAU:cab.
Encl.

c.c. D. Consoli, City Treasury Department

KEY PLAN

N.T.S.


MOHAWK ROAD EAST
GRENADIER DR
DE 3 S 87
RIDEAU CR
SUMMERLEA DRIVE
REGENCY STREET
ROSINA CT
D/S 285
ALGONQUIN COURT
D/S 295
LAWSON DRIVE
GATINEAU DRIVE
PLACE
COURT
CARSON DRIVE
CRESCENT
D/S 465
E 2 S 372
SEPARATE SCHOOL
MOXLEY
ANSON AVENUE
NORTH
NORTHGATE CR
MARKSON
LANDRON AVE
PUBLIC SCHOOL
PARK & RECREATIONAL
WISEMOUNT FOREST SURVEY PH. 4
D/S 548a
LOCHEED DRIVE
LARCH STREET
G/S 413a
LAND COURT
G 3/S B20
DE/S 297
DE/S 160
D/S 160
LEDUC STREET
C/S 346
D/S 464
DE 2 S 166
E 2/S 166
E 2 S 160
LOCKED
DE/S 257
LONDON ST
G/S 346
OTTAWA STREET UPPER
KENILWORTH AVENUE UPPER
LIMERIDGE ROAD EAST

FOR ACTION MAY 10 1988

13 c.

REPORT TO: S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1988 May 05
COMM. FILE:
DEPT. FILE: S718-57
I.D. 0016D(22)

SUBJECT

"RUSHDALE MANOR", Hamilton
(Cash payment in lieu of 5% Parkland Dedication.)

RECOMMENDATION

(a) That the Corporation of the City of Hamilton accept the sum of $4,760.00 as cash payment in lieu of 5% dedication in connection with "RUSHDALE MANOR", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

G. S. Spencer
Commissioner of Engineeering

FINANCIAL IMPLICATION

N/A.

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

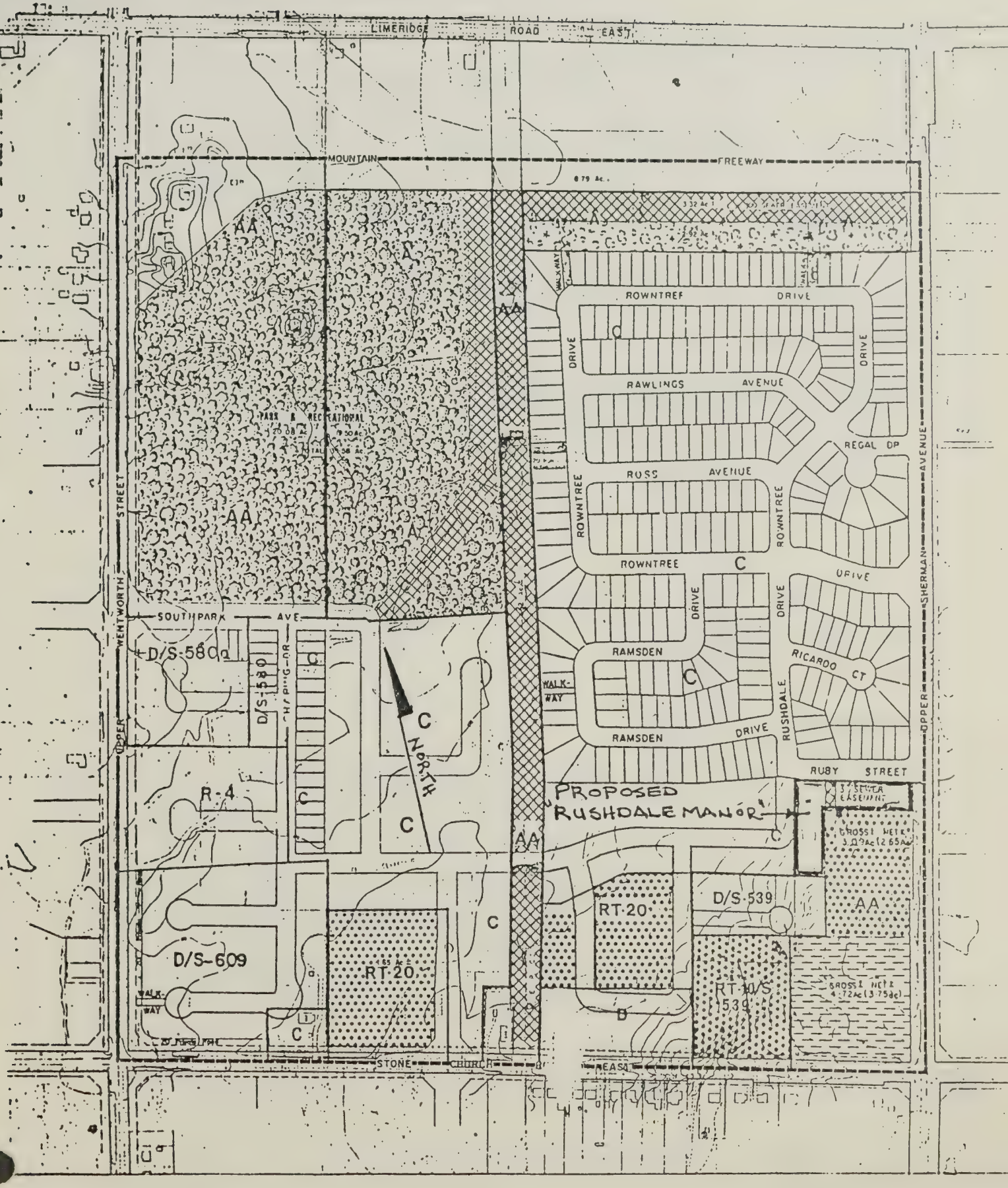
In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be $4,760.00.

NOTE: These lands are located south of Limeridge Road and west of Upper Sherman Avenue in the Rushdale Neighbourhood, Hamilton.

CAU:cab.
Encl.

c.c. D. Consoli, City Treasury Department

KEY PLAN
N.T.S.


LIMERIDGE ROAD EAST
MOUNTAIN FREEWAY
WENTWORTH STREET
SHERMAN AVENUE
SOUTHPARK AVE.
ROWNTREE DRIVE
RAWLINGS AVENUE
REGAL DR
RUSS AVENUE
RAMSDEN DRIVE
RICARDO CT
RUSHDALE
RUBY STREET
PROPOSED RUSHDALE MANOR
D/S-580
D/S-580
D/S-609
D/S-539
R-4
RT-20
RT-20
RT-H/S 539
AA
A
C
NORTH
WALK-WAY
STONE CHURCH

FOR ACTION

MAY 10 1988

13 d.

REPORT TO: S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1988 May 05
COMM. FILE:
DEPT. FILE: S704-35
I.D. 0016D(24)

SUBJECT

"DiCENZO GARDENS - PHASE 3", Hamilton
(Cash payment in lieu of 5% Parkland Dedication.)

RECOMMENDATION

(a) That the Corporation of the City of Hamilton accept the sum of $3,720.00 as cash payment in lieu of 5% dedication in connection with "DiCENZO GARDENS - PHASE 3", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

G. S. Spencer
Commissioner of Engineeering

FINANCIAL IMPLICATION

N/A.

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be $3,720.00.

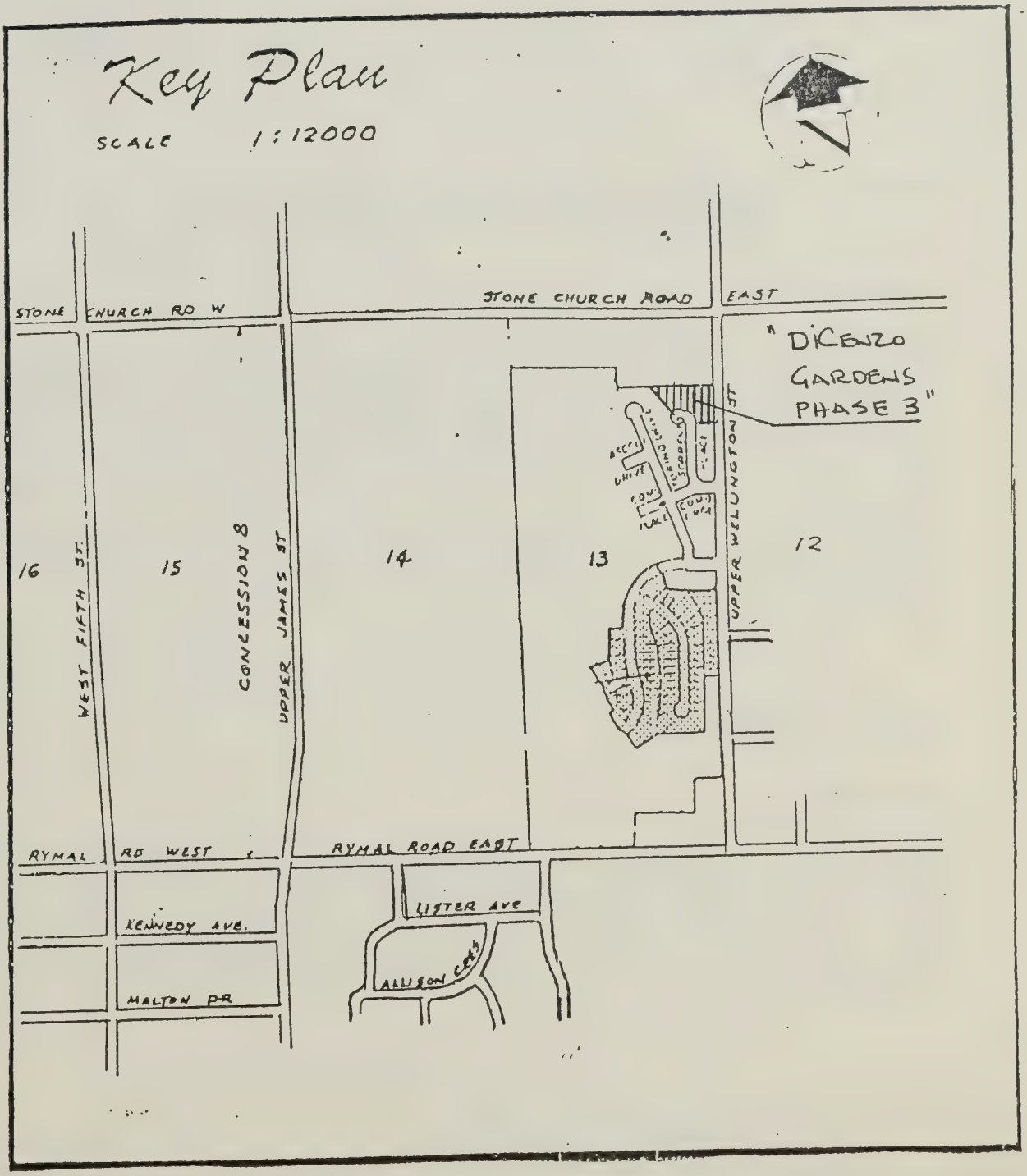
NOTE: These lands are located south of Stone Church Road and west of Upper Wellington Street in the Ryckman Neighbourhood, Hamilton.

CAU:cab.
Encl.

c.c. D. Consoli, City Treasury Department

Key Plan

SCALE 1:12000



FOR ACTION

JUN 7 1988

14.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 June 3
COMM FILE:
DEPT FILE: 40.15.65

SUBJECT: **Sale by the City - Part 10, Plan 62R-6188
Keefer Court - Kenora Industrial Park
to Aiden Tuite**

RECOMMENDATION:

That the Offer to Purchase the lands of the City of Hamilton known as Part 10, Plan 62R-6188, duly executed by the Purchaser, Aiden Tuite on March 15, 1988 and approved by City Council on April 26, 1988, Item 13 of the 9th Report of the Planning & Development Committee, be amended as follows:

That Clause 7 - the closing date be extended from June 6, 1988 to August 31, 1988.

All other conditions of the agreement shall remain the same and time is of the essence.

D. W. Vyce

FINANCIAL IMPLICATIONS *N/A*

BACKGROUND

This department has received a request from William N. Callaghan, Solicitor for the Purchaser Aiden Tuite, to extend the closing date of the transaction from June 6, 1988 to August 31, 1988. The building plans for the development of the land and the abutting land, owned by Tuite Construction Limited, have not yet been finalized, and as they are complementary with each other, the additional time is required.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

JUN 7 1988 15.

FOR ACTION

Note: Amended report replacing original report dated May 13, 1988

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: June 6, 1988

COMM FILE:
DEPT FILE: 100.11.126 (4609)

SUBJECT: **Rental of Property at 10, 12, 14 and 24 Gerrard Street to Philip Enterprises Inc.**

RECOMMENDATION:

(1) That the vacant lots at 10, 12 and 14 Gerrard Street measuring approximately 74 feet by 80 feet and the vacant lot at 24 Gerrard Street measuring approximately 19 feet by 80 feet be rented to Philip Enterprises Inc. on a monthly basis commencing July 1, 1988 at a rental of $280.00 per month plus taxes estimated at $1,400 for the year 1988.

(2) That the Mayor and City Clerk be authorized to execute the attached Tenancy Agreement.

D. W. Vyce

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

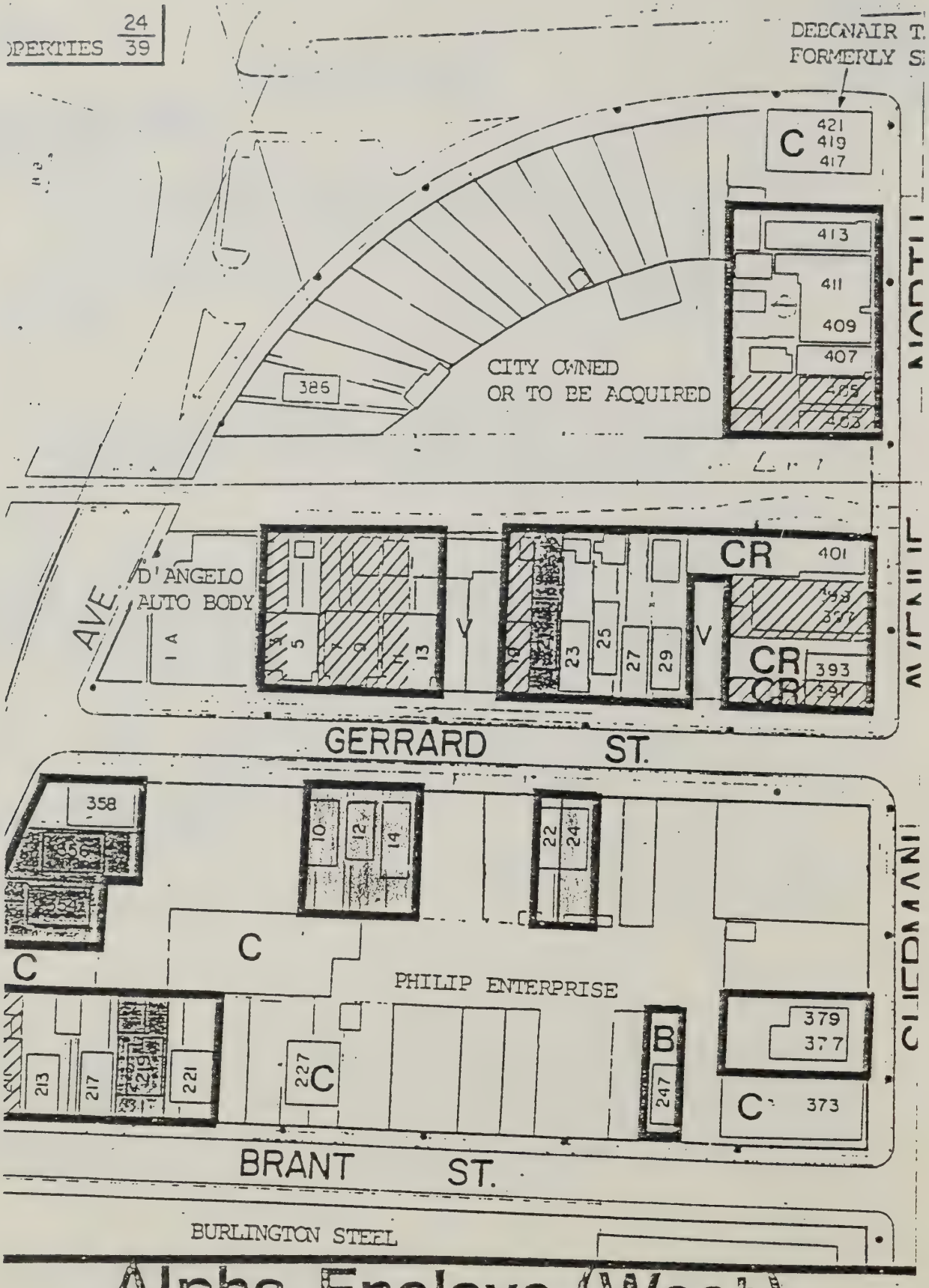
BACKGROUND

The above mentioned properties as shown hatched on the attached plan have been purchased by the City of Hamilton in connection with the acquisition of land in the Alpha Enclave (West) Phase I.

The lands are to be rented on a monthly basis until the assembly in the area is completed.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
Attention: Mr. R. Camani
Attention: Mr. R. Hayes



Alpha Enclave (West)

Legend

Properties Surveyed

Willing to Sell

Commercial

NORTH

No Response

Not Willing to Sell

CR Commercial Residen

16.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D. W. Vyce, Director of Property and Co-Ordinator of the L.D. Jackson Square

DATE: 1988 May 24
COMM FILE:
DEPT FILE:

SUBJECT:

First Phase - L. D. Jackson Square - Cinema Expansion

RECOMMENDATION

(i) That the City, in its capacity as Landlord, grant approval in principle to First Phase Civic Square Limited to expand the cinemas within the first phase of the L. D. Jackson Square, the expansion contemplating the creation of an additional building coverage of approximately 14,000 square feet at the Plaza Level, subject to First Phase:-

(a) complying with the requirements of the Ground Lease, including additional ground lease payment,

(b) complying with all Federal, Provincial, Regional and Municipal laws, by-laws, requirements and regulations,

(c) providing the detailed plans and drawings for approval in accordance with the Ground Lease,

(d) executing any amendments to the Ground Lease, if formal amendments prove necessary.

(ii) That the Lessee, First Phase Civic Square Limited be informed that this approval is preliminary only and is subject to the required plans, drawings and other documentation required by the Ground Lease and Development Agreement being received and approved by Council or the Co-Ordinator of the L. D. Jackson Square as the Review Authority, as the case may be, prior to final approval being given and prior to the commencement of any physical alteration to the leased premises and that the Lessee should act accordingly.

(iii) That the City agree to reducing the publicly usable open space on the Plaza Level by the area of the proposed cinema expansion.

D W Vyce

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Solicitor for First Phase Civic Square Limited, Mr. J. Milligan, has approached our department seeking approval for the expansion of the twin cinemas located in the first phase of the L. D. Jackson Square. The proposed expansion of the cinemas contemplates the creation of an additional building coverage of 14,000 square feet (more or less) at the Plaza Level as shown shaded in yellow on the attached plan.

First Phase Civic Square Limited considers this to be a "dead or unused area" receiving little or no use at the present time. You will note the new Cadillac Fairview development will rise adjacent to the area planned for the expansion of the cinemas. Upon completion of the adjoining walls of the Cadillac Fairview development, which will extend above and beyond the level of the Plaza, this subject area planned for cinema expansion will be even more unusable in our opinion and if left open, this isolated, closed-in area will prove to be detrimental to the Plaza Level in general.

The cinema expansion at the Plaza Level will upgrade this portion of the plaza and be compatible with the rest of the development. A Six-Plex Cinema, in conjunction with Famous Players Inc. is contemplated.

A certain amount of negotiation between First Phase Civic Square Ltd. and Famous Players Inc. has already been undertaken with Famous Players expressing keen interest to proceed with expansion plans.

In order for First Phase to continue towards finalizing its negotiations with the tenant, it is seeking approval from the City that the proposal is acceptable.

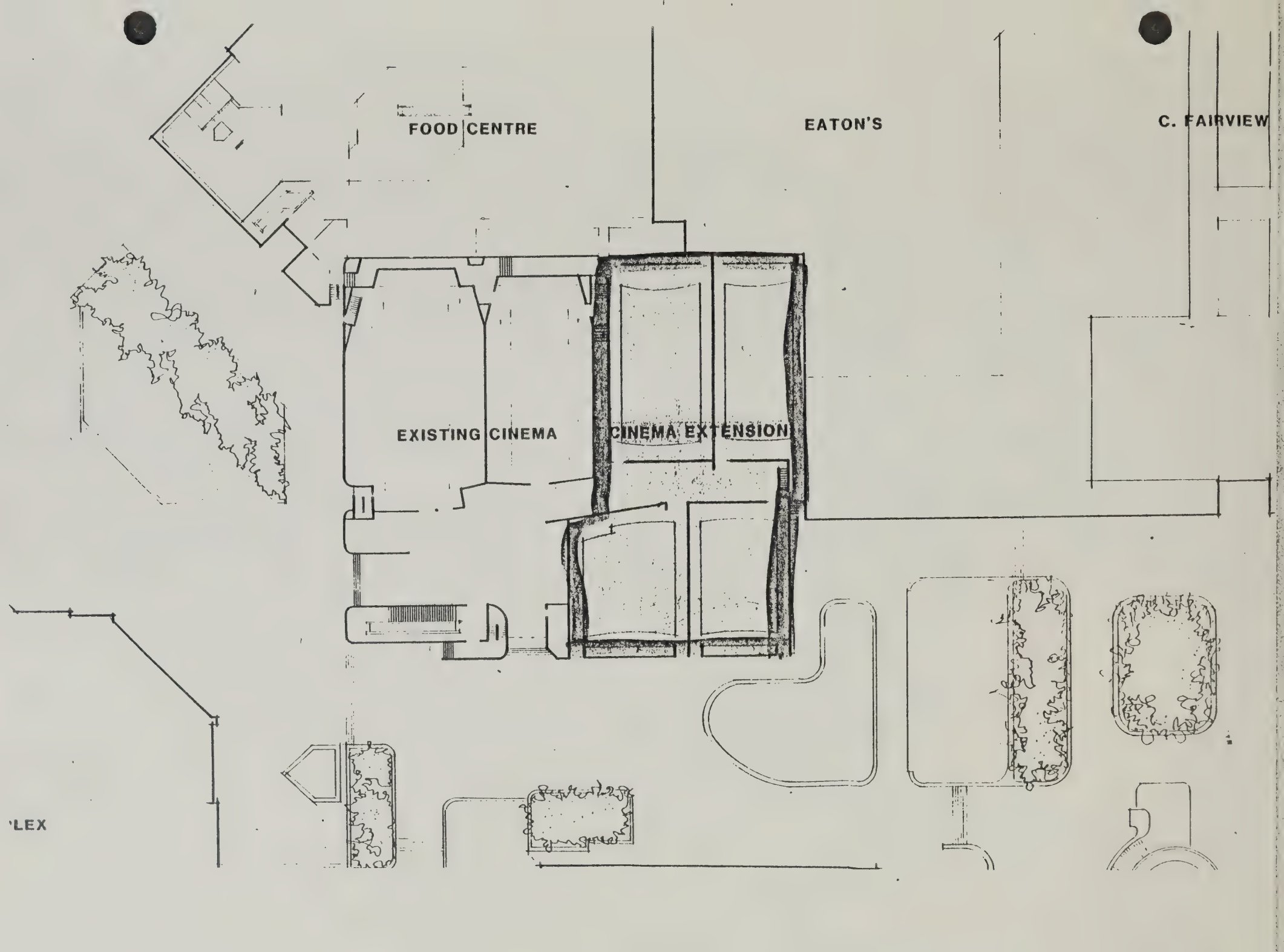
The Development Agreement and the Ground Lease between the City and the developer contemplates changes from time to time, subject to the approval of The Corporation of the City of Hamilton, acting reasonably.

The expansion planned is acceptable in our opinion, benefitting the overall Jackson Square development. The proposal will result in an increased area being designated as net rentable area pursuant to the Lease and the rent paid by the developer to the City will be increased accordingly. Additional taxes and employment opportunities will also be realized through the expansion proposal.

If the approval as aforesaid is given, then First Phase Civic Square Ltd. in conjunction with Famous Players Inc. will proceed to submit detailed plans and specifications, which will comply with the normal requirements for construction in the L. D. Jackson Square.

Attach.

c.c. - Mr. L. Sage, Chief Administrative Officer
- Mr. K. A. Rouff, City Solicitor
Attention: Mr. D. Powers
- Mr. E. C. Matthews, City Treasurer
- Mr. V. J. Abraham, Director of Local Planning
- Mr. P. Kuppe, Building Commissioner


FOOD CENTRE
EATON'S
C. FAIRVIEW
EXISTING CINEMA
CINEMA EXTENSION
'LEX

17.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D. W. Vyce, Director of Property

DATE: 1988 May 18
COMM FILE:
DEPT FILE:

SUBJECT:

Release of Building Covenants - Robertson - Irwin Ltd.
61 Burford Road, Hamilton, Ontario
Part of Lot 2 and Lots 3 and 4, Plan 1382
Grayside Industrial Estate No. 1

RECOMMENDATION

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 61 Burford Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 130663 A.B. (Lots 3 and 4) and deed number 208866 A.B. (part Lot 2).

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

A. In adopting Item 37 of the Report of Board of Control, City Council on April 3, 1969, authorized the Sale of Lots 3 and 4, Reg. Plan 1382 to Robertson-Irwin Ltd. The transaction was completed on May 13, 1969. On September 19, 1969, a 49,400 sq. ft. building was completed on this site.

B. In adopting Item 20(a) of the 15th Report of Board of Control, City Council on April 27, 1971, authorized the Sale of Part Lot 2, Reg. Plan 1382 to Robertson-Irwin Ltd. The transaction was completed on June 24, 1971. On September 20, 1971, a 18,500 sq. ft. building was completed on this site.

This Department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed numbers 130663 A.B. and 209866 A.B. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. Mr. K. A. Rouff, City Solicitor

FOR ACTION

18.

REPORT TO: Mrs. S. K. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D. W. Vyce, Director of Property

DATE: 1988 May 18
COMM FILE:
DEPT FILE: 20.1.283

SUBJECT:

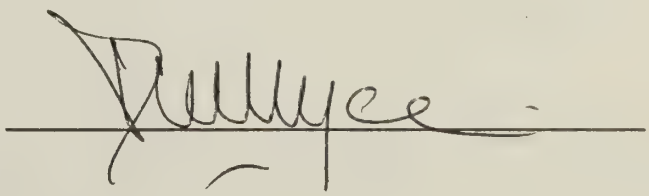
Extension of Commencement and Completion Dates of Construction,
City Sale of Lot 18, Plan M-227 (140 Nebo Road - Hamilton, Ontario)
TO: FIN-PAR ENTERPRISES INC.

RECOMMENDATION

The Real Estate Division of the Property Department respectfully recommends that the Offer to Purchase the lands of the Corporation of the City of Hamilton being composed of Lot 18, Plan M-227, Hamilton Industrial Park No. 1, duly executed on September 3, 1987, by the Purchaser, Fin-Par Enterprises Inc., and approved by City Council on September 29, 1987, Item #20 of the 17th Report of the Planning and Development Committee, be amended as follows:

(1) the commencement of construction date be extended from June 2, 1988 to October 2, 1988, and

(2) the completion of construction date be extended from June 2, 1989 to October 2, 1989.



FINANCIAL IMPLICATIONS

N/A

BACKGROUND

This Department has received a request from Joseph Chiappetta, Solicitor for the Owners, for a four month extension of the construction commencement and completion dates. Mr. Chiappetta advises that the Owners had entered into an agreement to construct a building for lease to United Westburne Inc. However, this firm has now indicated that it no longer wishes to take possession of the said building. The Owner is now required to find a new tenant and re-draft his architectural plans and specifications for its 12,000 minimum square foot building.

In view of the delay caused by this predicament, we are supporting the extension.

c.c. - Mr. K. A. Rouff, City Solicitor
Attention: Mr. L. Farr

19.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D. W. Vyce, Director of Property

DATE: 1988 May 13
COMM FILE:
DEPT FILE:

SUBJECT:

Release of Building Covenants - 708628 Ontario Limited
51 and 52 Keefer Court (Parts 11, 12, 13, & 14 - Plan 62R-7820)

RECOMMENDATION

That the City Solicitor be authorized to prepare a Quit Claim deed from the City of Hamilton to the present owners of 51 and 52 Keefer Court, Hamilton, Ontario, to release the property from the construction covenants to the City as contained in deed number 410029 CD.

FINANCIAL IMPLICATIONS *(IF NONE, STATE N/A)*

N/A

BACKGROUND

In adopting Item 16 of the 20th Report of the Planning and Development Committee, City Council on September 30, 1986 approved the sale of Parts 11, 12, 13 & 14, Plan 62R-7820 (Keefer Court).

On May 15, 1987 this sale was completed.

Contained in the aforementioned deed are construction covenants which state that the owner must commence construction of a 30,000 square foot building by no later than September 25th, 1987 and complete said building by no later than September 25, 1988. Construction was commenced in June 1987 and completed in February 1988 and the completed building contains over 30,000 square feet.

This department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed number 410029 C.D. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. Mr. K. A. Rouff, City Solicitor

FOR ACTION

20.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 May 13
COMM FILE:
DEPT FILE: 20.1.95
(4509)

SUBJECT: **66 Arkledun Avenue - Covenants to preserve property in favour of the City**

RECOMMENDATION:

That Mr. Peter Spitman, the present registered owner of 66 Arkledun Avenue, be informed that the City has elected not to exercise its right to receive notice of the property sales prior to his taking title to this property, but the City reserves its right pursuant to the covenants in favour of the City in registered Deed No. 395261 A.B. to be provided with two months to equal any reasonable offer to purchase the property which may arise in the future.

D. W. Vyce

FINANCIAL IMPLICATIONS - *N/A*

BACKGROUND

In September 1975, this property was sold by the City to Mr. Roger Gerard. As the building was considered to have architectural significance, the agreement of purchase and sale specified that,

1. there be no structural changes to the exterior other than maintenance, without the City's approval, and

2. the City be given two months in which to equal any subsequent reasonable offer to purchase, on a first refusal basis.

In 1979, City Council decided to take no action to match an offer received by the then owner on the sale of the property. Since then the property has changed hands without giving the City two months to consider matching the sale price paid in the change of ownership. Accordingly, the present owner now requests the City to confirm that the City does not require the property at this time and that the City waives its right that it had to receive notice of the previous sales resulting in the current ownership of the property in favour of Mr. Peter Spitman.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. V.J. Abraham, Director of Local Planning
Attention: Ms. N. Chapple

21.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: CASH-IN-LIEU OF PARKING COMMITTEE

DATE: 1988 May 25
COMM FILE: ZA-88-08
DEPT. FILE: P5-4-33

SUBJECT:

Cash-in-Lieu for parking payment for the property located at Nos. 293-335 Wellington Street North.

RECOMMENDATIONS

That the Planning and Development Committee recommend to Council:

i) That in accordance with the cash-in-lieu payment policy, Cidracine Enterprises Limited be required to pay to the City of Hamilton the sum of $30,000 ($2,000 X 15 required parking spaces) .

ii) That the City Solicitor be directed to prepare the necessary agreements to implement the cash-in-lieu parking payment.

Len King, Chairman
Cash-in-Lieu of Parking Committee

FINANCIAL IMPLICATIONS

$30,000 revenue generated.

BACKGROUND

Cidracine Enterprises Limited applied to the City of Hamilton to rezone the lands at Nos. 293-335 Wellington Street North to permit the conversion of the existing industrial building for medical offices. A total of 322 parking spaces was required for the development; however, a variance was granted to permit 176 spaces on-site, 25 spaces on the lands to the north and 15 spaces to be paid for through the cash-in-lieu policy (total 216 spaces) which was one of the conditions of the rezoning.

On May 31, 1988, City Council adopted Item 9 A)ii) of the 13th Report of the Planning and Development Committee:

> "That notwithstanding Section 18A.(9), 25 of the required parking spaces shall be provided on the lands to the north municipally known as Nos. 317-359 Wellington Street North and cash-in lieu for 15 spaces."

The Cash-in-lieu Parking Committee (Len King, Chairman, John Zipay, Rick Buckle and Peter Baker) met on May 18, 1988 to determine the cash-in-lieu payment for the 15 required parking spaces. The land cost is $2,250 per space and the development cost is $1,750 for a total of $4,000 per space. In accordance with the cash-in-lieu policy, the applicant pays 50% of the total cost per space.

JH:CS
0157P

22.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1988 May 31
COMM FILE:
DEPT FILE:

SUBJECT:

Designation of St. Paul's Ecumenical Church, 109 Smith Avenue (Corner of Barton Street East)

RECOMMENDATION

a) That approval be given to the "Intent to Designate" the North, East and West facades of St. Paul's Ecumenical Church and the East facade of the Sunday School as a property of Historical and Architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C Coutts

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

LACAC gave preliminary approval for the designation of this property at its meeting held 1988 April 8.

The Canadian Caribbean Christian Ecumenical Communion Incorporated has requested designation.

It was agreed that the 1894 Sunday School Building was worthy of designation for both architectural and historical reasons and that the church was worthy of designation on historical grounds alone.

Reasons for designation are attached.

Attachment

REASONS FOR DESIGNATION

ST. PAUL'S ECUMENICAL CHURCH
(formerly St. Andrew's Presbyterian Church)

109 Smith Avenue

St. Paul's Ecumenical Church and the Lincoln Alexander Community Centre at the south-west corner of Smith Avenue and Barton Street East comprise the former St. Andrew's Presbyterian Church built in 1906 and its Sabbath School built in 1894. The church property was sold in 1984 to the Canadian Caribbean Christian Ecumenical Communion Inc.

The church itself, designed by Hamilton architects Stewart and Witton, is representative of the City's early twentieth century Presbyterian churches. Its relatively low profile, simple rectangular block form, medium-pitched roof, late Gothic Revival detailing, and entrance facade with a large Tudor arched traceried window and two projecting square towers are all typical features. The earlier Sabbath School building, possibly designed by W.A. Edwards (the architect for the first church built on this site in 1887), is a good example of the High Victorian Sunday school buildings erected in Hamilton during the 1880's and 1890's. The gable end of the characteristically steep-pitched roof frames an attractive upper storey arcade of pointed arched windows with stone mouldings.

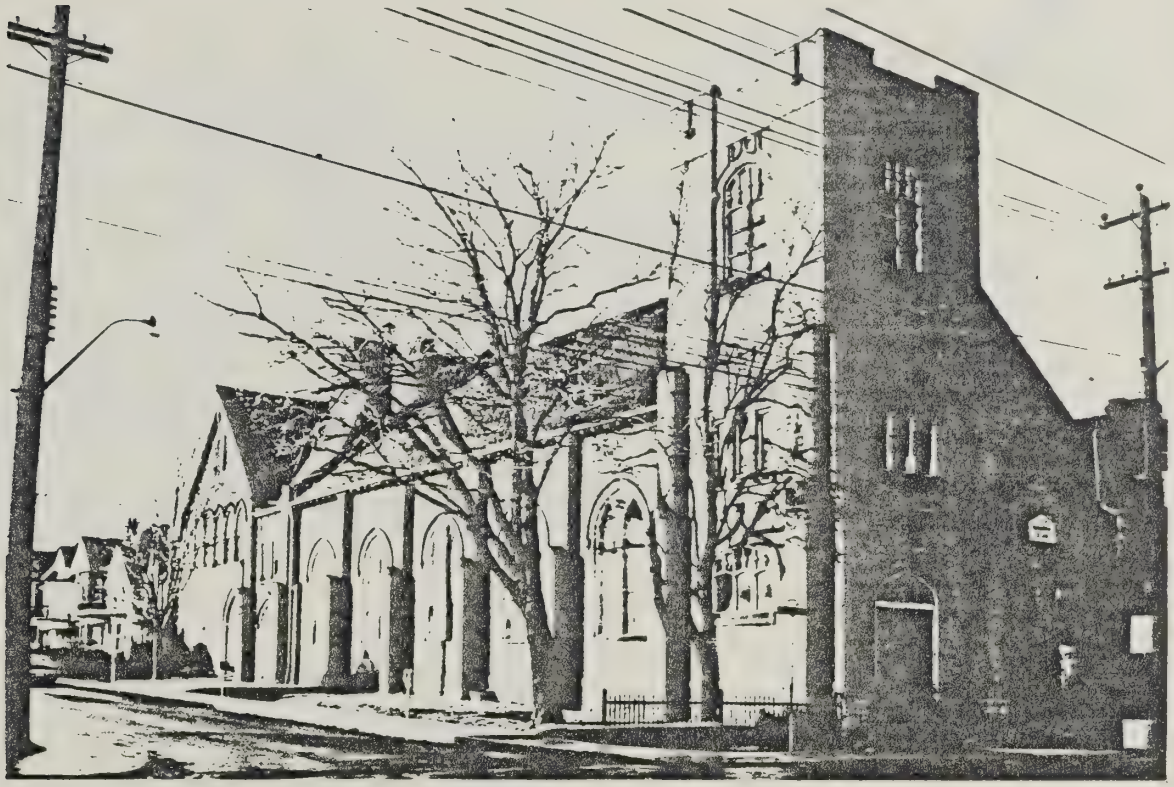
Of historical interest is the origin of St. Andrew's Presbyterian Church as the Wentworth Mission, built in 1850 near J.M. William's large railway locomotive plant on Wentworth Street to serve the workers who built their homes around the factory. The Wentworth Presbyterian Church was founded in 1885 and two years later a brick church was built on the present site. Renamed St. Andrew's Presbyterian Church in 1904, the church proper was rebuilt in 1906.

The new St. Andrew's Presbyterian Church was one of a number of churches built just after the turn-of-the century to meet the different denominational needs of the rapidly growing population of Hamilton's east end. The St. Andrew's church complex formed an integral component of the emerging Barton Street East business district and the existing residential neighbourhood to the south.

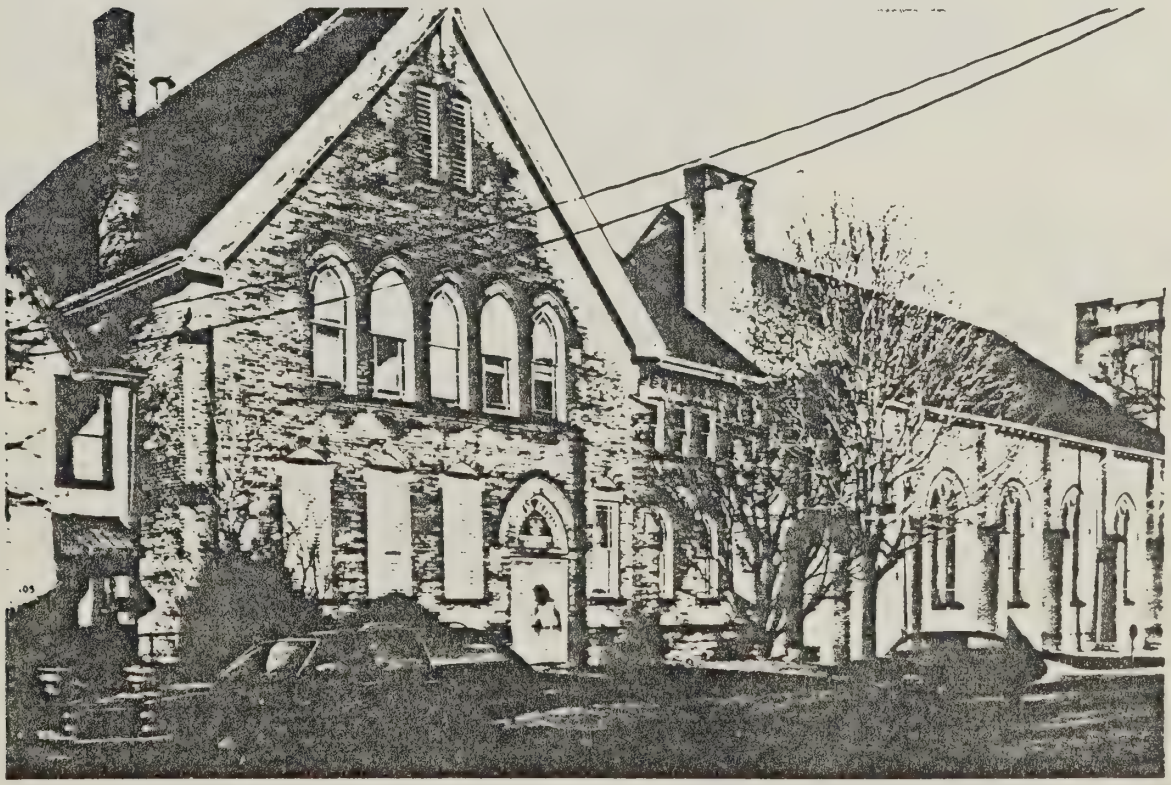
Important to the preservation of St. Paul's Ecumenical Church are the north, east and west facades of the church and the east facade of the Sunday school.

N.C.:nd
W.P. DOC. 0222P

ST. PAUL'S ECUMENICAL CHURCH 109 Smith Ave.



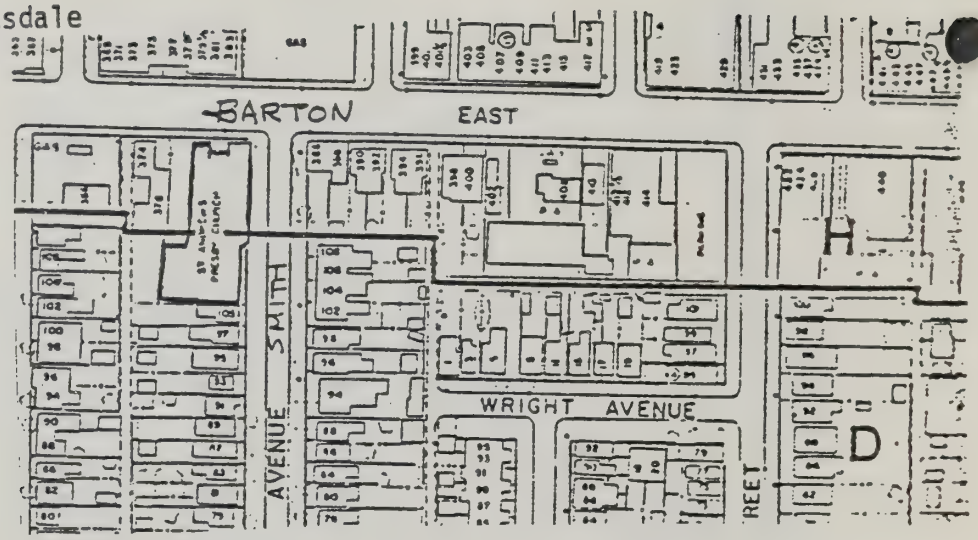
North and east facades of the church, viewed from the corner of Barton Street and Smith Avenue.



East facade of Sunday School building on Smith Avenue.

PLANNING BACKGROUND

1) Neighbourhood Map: Landsdale



2) Current Zoning : Civic & Institutional

3) Site Description - Current context: Commercial buildings along Barton Street and residential to the south (mainly early twentieth century building stock); mini-mall across from church occupies site of St. Mathew's Anglican Church (destroyed by fire in 1966).

4) Planning Policies:

a) Neighbourhood Plan/s: Approved Plan for Landsdale
109 Smith Ave-"Civic & Institutional"
374-376 Barton St. East-office- "Civic & Institutional"
Residential properties to the south "Single & Double Residential"
Commercial uses to the east and north" " Commercial"

b) Official Plan: Designated Commercial on Schedule A-Land Use Concept of the Official Plan. Subsection 2.2.1 of the Plan permits institutional uses in addition to the primary permitted uses within Commercial areas. Existing church complies with the Official Plan.

Current Status: as of May 1988

		Yes	No
a)	Heritage Designation		x
b)	Listed Building	x	
c)	Site Plan Control		x
d)	Demolition Control		x
e)	Zoning Change		x

FOR ACTION

23.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 8

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: P5-2-60

SUBJECT:

Hamilton Beach Implementation Committee - Proposed Revision of Mandate.

RECOMMENDATION

(a) That the revised mandate of the Hamilton Beach Implementation Committee be approved.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Minor changes have been proposed to the approved mandate of the Hamilton Beach Implementation Committee. These changes have been made mainly to recognize the high priority to be given the installation of trunk sewers, and preparation of the neighbourhood plan.

The Hamilton Beach Concept Plan was accepted in principle by City Council on November 24, 1987. The City at this time also approved the formation of an Implementation Committee to help carry out the plan. The mandate for the Committee was established as contained in the Planning and Development Department report dated November 30, 1987, attached as APPENDIX "1".

The Hamilton Beach Implementation Committee discussed their mandate at the meetings of February 23 and May 11, 1988. Changes have been proposed to revise the sequence of items to reflect their relative importance. The phrase "through recommendations" has also been added at the beginning to define the manner in which the Committee will co-ordinate the various actions. The revised version is attached as APPENDIX "2".

At their meeting of May 11, 1988, the Committee recommended that the revised mandate be forwarded to Planning and Development Committee and Council, and the Hamilton Region Conservation Authority to obtain their approval.

V.G.:nd/cs
Attach.

WP 0021P

APPENDIX "1"

C

FOR ACTION

FROM: Planning and Development Department

DATE: November 30, 1987

TO: Planning and Development Committee

File No.: P5-2-60

Attention Of: V. J. Abraham

SUBJECT

Hamilton Beach

RECOMMENDATION

That Ward 5 Aldermen and one other Alderman be appointed to a Beach Implementation Committee.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

A committee is needed to implement the Hamilton Beach Concept Plan. It is recommended that the composition of representatives on the committee be the same as the Beach Steering Committee. Therefore, the City should appoint three representatives.

BACKGROUND

- On November 24, 1987, City Council accepted the Hamilton Beach Concept Plan in principle.

- At the same time the City adopted a recommendation of the Beach Steering Committee and the Planning and Development Committee that a committee be formed to oversee the next steps.

- The mandate of the Committee would be to co-ordinate:

  1. the preparation of a neighbourhood plan;

  2. the preparation of a detailed park and landscaping scheme;

  3. the installation of trunk sewers;

  4. the selling of publicly owned land and the acquisition of land needed for public purposes;

  5. the provision of funding from various levels of Government;

  6. the provision of information about implementation; and,

  7. other matters related to the implementation of the Hamilton Beach Concept Plan.

- The composition of the Beach Steering Committee was intended to be representative of major interests in Hamilton Beach. It is therefore appropriate to retain the composition of representatives for the Implementation Committee although people on the Committee may not be the same. To ensure continuity it would be desirable to appoint City representatives who served on the Beach Steering Committee. Alderman Wheeler and Alderman Christopherson are willing to serve. Alderman Agostino, replacing Alderman Collins as Ward 5 representative, is also willing to serve.

- Other agencies who made appointments to the Steering Committee will be approached. Resident members would be appointed by the Implementation Committee once the agency members are appointed.

DG/dkp

APPENDIX "2"

MANDATE OF HAMILTON BEACH

IMPLEMENTATION COMMITTEE

REVISED

The Committee will co-ordinate through recommendations:

1. The installation of trunk sewers.

2. The preparation of a neighbourhood plan.

3. The provision of information about implementation.

4. The preparation of a detailed park and landscaping scheme.

5. The selling of publicly-owned land and the acquisition of land needed for public purposes.

6. The provision of funding from various levels of government.

7. Other matters related to the implementation of the Hamilton Beach Concept Plan.

The Committee will report to the City of Hamilton Planning and Development Committee and the Hamilton Region Conservation Authority, depending on the matter.

24.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 MAY 04
COMM FILE:
DEPT FILE: SA-87-23
25T-87030

SUBJECT

Proposed Draft Plan of Subdivision "Oakdale Estates".

RECOMMENDATION

a) That approval be given to application SA-87-23, 428680 Ontario Limited, owner, to establish a draft plan of subdivision north of Rymal Road between Upper Wellington Street and Upper Wentworth Street, subject to the following conditions:

1. That this approval apply to the revised plan prepared by MacKay, MacKay and Peters Limited, dated January 22, 1988, showing 334 lots, 6 blocks and a walkway, further revised in red to show block numbers for street widenings (Blocks "341", "342" and "343"), 0.3m reserves (Blocks "334" "345", "346" and "347") walkway (Block "348") and dimensional changes at street curves.

2. That the owner acquire from the City of Hamilton the strip of land located between the subject land and the land of the City of Hamilton Board of Education.

3. That the owner complete a satisfactory land exchange with the City of Hamilton Board of Education so that proposed Brigade Drive and Byng Street can be established to the full required width as shown on the draft plan.

4. That the owner acquire sufficient land to establish proposed Street "K" to the full required width.

5. That the streets and street widenings (Blocks "341", "342" and "343") be dedicated as public highways and the walkway (Block "348") be dedicated as a public walkway on the final plan.

6. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

7. That the final plan conform with the Zoning By-law approved under the Planning Act.

8. That the owner convey Block "339" to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act.

9. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

10. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

11. That any dead-end or open side of the road allowances created by the plan be terminated in 0.3m reserves (Blocks "344", 345", "346" and "347") to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.

12. That only those parts of the plan to which municipal services are available shall be registered.

13. That Blocks "337", "338" and "340" be developed only in conjunction with abutting lands.

14. That Block "336" be divided into lots for single-family dwellings on the final plan to the satisfaction of the City of Hamilton.

15. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

16. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-23), 428680 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

c) That the Barnstown Neighbourhood Plan be amended to show the adjustments to the land use boundaries, street pattern and the inclusion of the walkway, all in compliance with the recommended draft plan of subdivision.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

BACKGROUND

Owner

428680 Ontario Limited, c/o Herbert L. Schreiber, Director, Hamilton, Ontario

Surveyor

J. David Peters, O.L.S., Hamilton, Ontario

Location

The lands, comprising 26.276 ha, are located on the north side of Rymal Road between Upper Wellington Street and Upper Wentworth Street in the Barnstown Neighbourhood, City of Hamilton.

Proposal

The owner proposes to subdivide the lands into 334 lots for single-family dwellings, blocks for townhouse dwellings, park and a large block for unspecified use (presumably multi-family residential), together with three blocks for development with abutting lands and blocks for street widening, 0.3m reserves and a walkway. The lots and blocks would be serviced from new streets connecting to the arterial roads and which will form the basic street pattern for the southerly half of the Barnstown Neighbourhood. The minimum lot size proposed has a width of 12m and an area of 384m^2. The proposal also includes lands to be exchanged with the Board of Education and lands to be purchased from the City of Hamilton which are designated for Civic and Institutional use on the Neighbourhood Plan.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

It is noted that four lots front directly onto Rymal Road, which under the policies of The Official Plan is to be discouraged. These lots have a width and area far in excess of the minimum requirements for the zoning district and it would be difficult to develop this pocket from the internal streets (i.e. reverse frontage).

City of Hamilton Official Plan - the lands are designated "Residential", "Open Space" and "Major Institutional". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double", "Residential - attached housing", "Civic and Institutional" and "Park and Recreational". The proposal does not comply in terms of minor land use locations and street pattern, therefore, amendments will be required upon approval of the subdivision plan.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse-Maisonette) District. Provided the block for unspecified use develops with single-family dwellings, the proposal will comply. However, if the block is to be developed for multi-family dwellings, then a by-law amendment to rezone the block will be required prior to its development.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation,
Ministry of the Environment (subject to standard noise conditions),
Ministry of Natural Resources (subject to submission of a drainage plan),
Ministry of Culture (subject to standard archaeological conditions),
Niagara Escarpment Commission,
Hamilton Region Conservation Authority (subject to Ontario Regulation 617/86),
Ontario Hydro, Union Gas, Bell Telephone,
City of Hamilton Board of Education (including areas for exchange of lands),
City of Hamilton Traffic Department (subject to minor lot line changes),
City of Hamilton Building Department,
City Culture and Recreation Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"1. It is recommended that Street "K" be established to its full width and that the applicant be asked to acquire lands from the Board of Education and the City of Hamilton for Lots 52, 53, 119, 120, 121, 122 and 123 for the streets, namely, "Byng" and "Brigade", or the plan be registered after Wellington Chase is registered.

2. It is recommended that sufficient lands be dedicated to the Region for both Upper Wentworth Street and Rymal Road, to establish the property line 18.29m from the centreline of the original road allowances.

3. The ring road collector adjacent to Lots 320 to 322 etc., should be smoothed out to provide for a proper centreline radius. Although the street has been established on plan 62M-516, there is some room for adjustment on this draft plan. The centreline radius, if possible, is to be established at a 110m radius for Brigade Drive.

4. Brigade Drive must align with the Wellington Chase draft plan of subdivisions at the westerly end. The applicant is advised to confirm any possible changes to the Wellington Chase plan of subdivisions regarding this alignment.

5. It is also recommended that the ring road collector street adjacent to Lots 43 to 48 be increased to 110m.

6. The radii in Street "A", adjacent to Lots 14 to 17 is 50m on the centreline; this should be increased to 110m if possible.

7. The centeline radius of the curve adjacent to Lots 110 to 114 should be increased to 110m minimum.

8. 2m x 2m daylight triangles are required at all 90 degree bends on all L-shaped roadways.

9. The radius of Street "K", adjacent to Lots 322 and 323, should be increased to 100m (on the south side of the street).

10. A 6m wide watermain easement is required along the south boundary of Lot 296 and Block 335 from Street "I" to Upper Wentworth Street.

11. The developer is required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.

12. The submitted plan as prepared by MacKay, MacKay and Peters and dated July 10, 1987 (Revised) is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For your information

1. The proposed development can be serviced for sewers with the exception of Lots 14 to 44 inclusive, depending on the installation of trunk sewers on Upper Wentworth Street from Stone Church Road to the north-east limit of subdivision, expected to be constructed in 1988.

2. The development of Lots 14 to 44 inclusive must await the extension of municipal sewers from the north to the north limit of subdivision.

3. Generally, the development can be serviced for water from external watermains. However, Block 355 cannot be serviced until the watermain along Upper Wentworth is completed sometime in 1988.

4. Lots 14-52 and Blocks "337" and "338" will have to await the development of Brigade Drive from the east or north.

5. Lots 119-131 will have to await the development of Brigade Drive in front of the lots.

6. It is expected that the Region will cost share for watermain oversizing for this area which is estimated to be approximately $214,000.00."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. The proposed park block (Block "339") does not comply with the shape of the park area on the neighbourhood plan, however, it does represent approximately 5% of the lands included in the subdivision and combined with the park area acquired in connection with the Wellington Square development to the north, totals approximately 7.36 acres compared to 7.15 acres net required by the neighbourhood plan. To obtain the shape of the park shown in the neighbourhood plan would require a future land exchange with the Hamilton Board of Education.

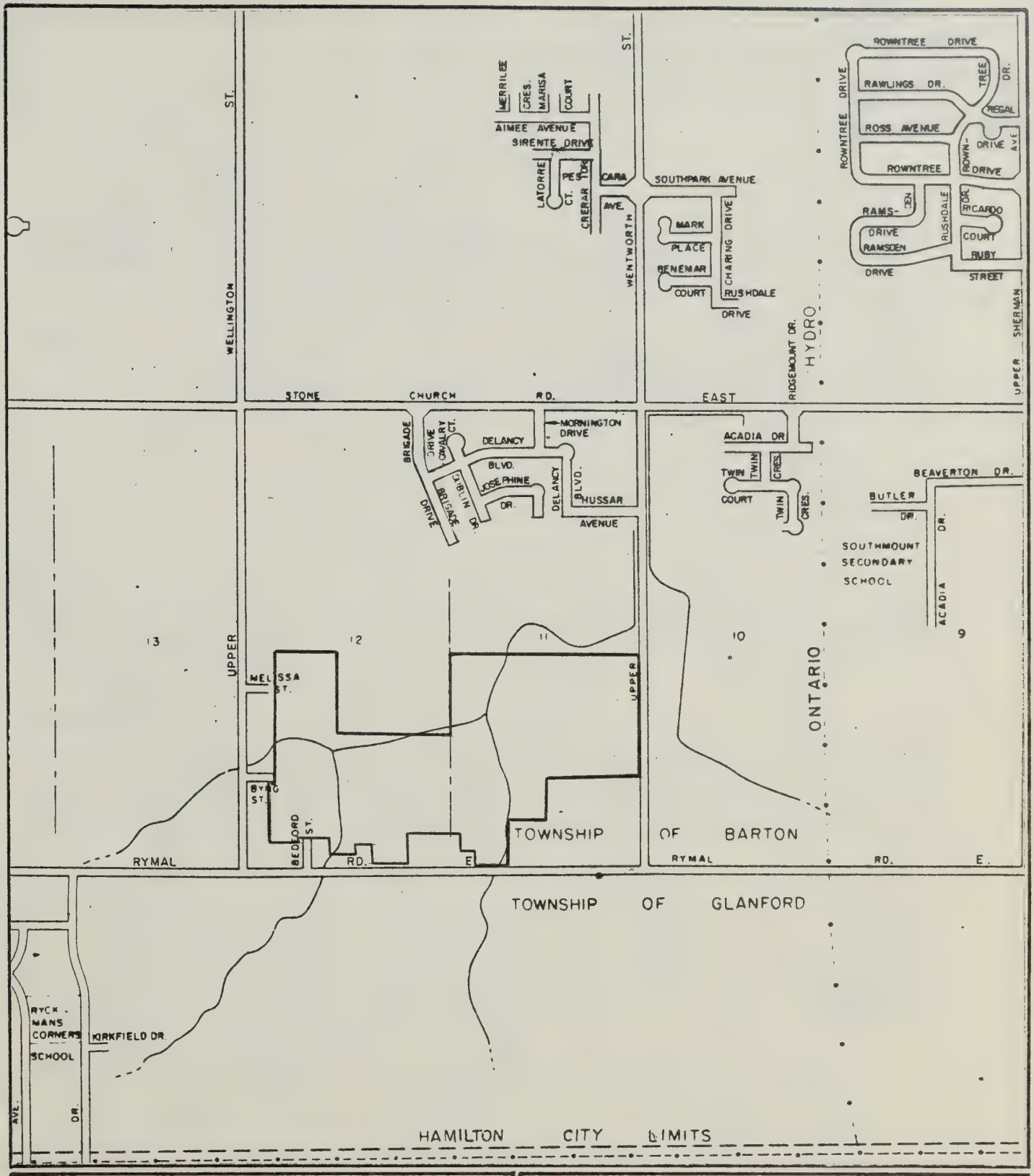
3. To establish Brigade Drive, i.e. the neighbourhood collector road as shown on the proposed draft plan, it will be necessary for the owner to acquire a strip of land owned by the City of Hamilton abutting the south limit of the School Board lands and also enter into an exchange of lands with the School Board. The Hamilton Board of Education has agreed to the exchange of lands subject to the owner paying any costs including legal and surveying costs involved in the exchange. It is noted that the City of Hamilton owned land is designated partly as "Civic and Institutional" and partly as collector road on the neighbourhood plan and will be involved with the land exchange once acquired by the owner.

4. The proposed changes to the neighbourhood plan land use boundaries, street pattern and the addition of a walkway, should be implemented upon approval of the draft plan of subdivision by City Council. With regard to the block for unspecified use, a condition should require the owner to show the block divided into lots for single family dwellings on the final plan.

5. Minor "red-line" revisions to the plan are required to implement the recommendations of the Department of Engineering; otherwise, the revised draft plan can be supported.

6. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.

CMD/jd



Location Plan For

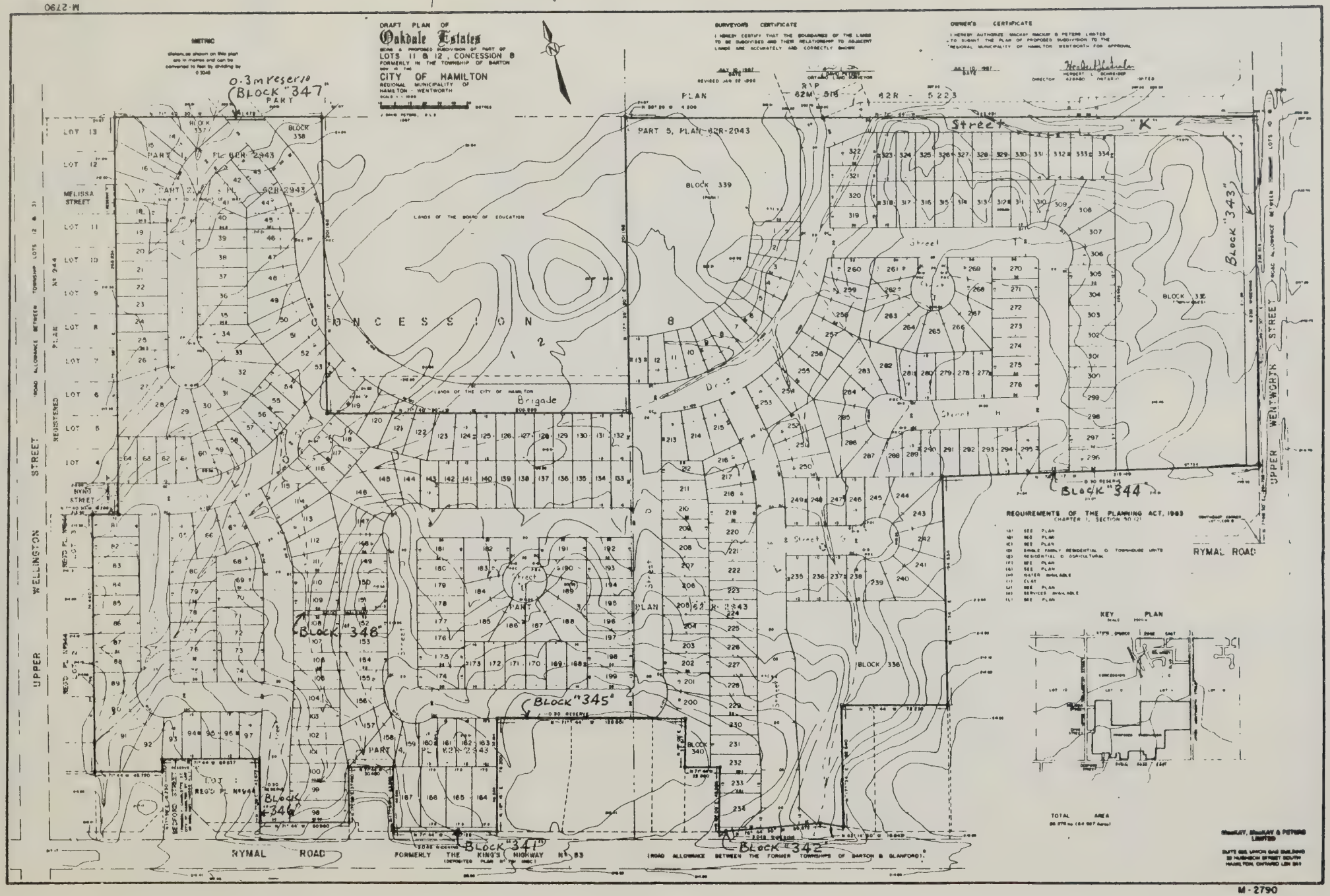
OAKDALE ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-87030
	Date	Drawing No.


DRAFT PLAN OF
Oakdale Estates
BEING A PROPOSED SUBDIVISION OF PART OF
LOTS 11 & 12, CONCESSION 8
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
METRIC
0.3m reserve
(BLOCK "347"
PART
PART 5, PLAN 62R-2043
62R-5223
62M-515
Street "K"
BLOCK "343"
BLOCK "344"
BLOCK "345"
BLOCK "346"
BLOCK "347"
BLOCK "341"
BLOCK "342"
BLOCK 338
BLOCK 339
BLOCK 340
BLOCK 336
LANDS OF THE BOARD OF EDUCATION
LANDS OF THE CITY OF HAMILTON
Brigade
CONCESSION 8
UPPER WELLINGTON STREET
UPPER WENTWORTH STREET
MELISSA STREET
RYMAL ROAD
FORMERLY THE KING'S HIGHWAY No 53
(ROAD ALLOWANCE BETWEEN THE FORMER TOWNSHIPS OF BARTON & GLANFORD).
REQUIREMENTS OF THE PLANNING ACT, 1983
CHAPTER 1, SECTION 50 (12)
KEY PLAN
TOTAL AREA
M-2790

25.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 MAY 19
COMM FILE:
DEPT FILES: SA-77-05
SA-77-22
SA-79-11
25T-77005
25T-77033
25T-79022

SUBJECT

Applications for extension of draft approval for Templemead No. 3, Rexford Heights - Phase 2 and Oakland Park Extension No. 4 Subdivisions.

RECOMMENDATION

That the Region be requested to grant one year extensions to the draft approval for Templemead No. 3 Subdivision (Regional File No. 25T-77005), Rexford Heights - Phase 2 Subdivision (Regional File No. 25T-77033) and Oakland Park Extension No. 4 Subdivision (Regional File No. 25T-79022).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owners

Templemead No. 3 - First Pioneer Investments Limited
Rexford Heights - Phase 2 - Symroy Corporation Limited
Oakland Park Extension No. 4 - Adisco Limited

History

Templemead No. 3 (Templemead Neighbourhood)

Draft approved August 10, 1978, for 6 lots for street townhouses, 18 lots for semi-detached dwellings and a large block for commercial purposes (Plantation Motor Hotel).

Extended in 1981 for two years and in 1983, 1984, 1985, 1986 and 1987 for one year periods.

On July 19, 1983, the Regional Land Division Committee approved an application for consent to convey part of the lands of the commercial block surrounding the Plantation Motor Hotel, thus leaving two vacant areas to the east and west of the hotel and the proposed lots as described above for inclusion on the future final plan of subdivision.

Present lapsing date August 10, 1988.

Requesting further extension for an unspecified period, as they expect to finalize the development this year but it may not be before the present lapsing date.

Rexford Heights Phase 2 (Randall Neighbourhood)

Draft approved February 13, 1978, for 12 blocks for future single-family dwellings and 16 blocks for future semi-detached dwellings (16 units) in conjunction with abutting lands.

Extended in 1981, 1982, 1983, 1984, 1985, 1986 and 1987.

Present lapsing date August 13, 1988.

Requesting a further extension for a one (1) year period, as they are now in the process of acquiring additional lands needed for the development of the property. Lands on both sides of this subdivision have now been registered, therefore, final approval and registration should occur shortly.

Oakland Park Extension No. 4 (Riverdale East Neighbourhood)

Draft approved June 5, 1980, for 5 lots for single-family dwellings and 6 lots for "zero lot line" single family dwellings.

Extended in 1983, 1984, 1985, 1986 and 1987.

A part of the plan (4 lots) was registered in September 1985 and an additional lot was approved by the Land Division Committee in 1986.

Present lapsing date for the remainder of the plan, September 5, 1988.

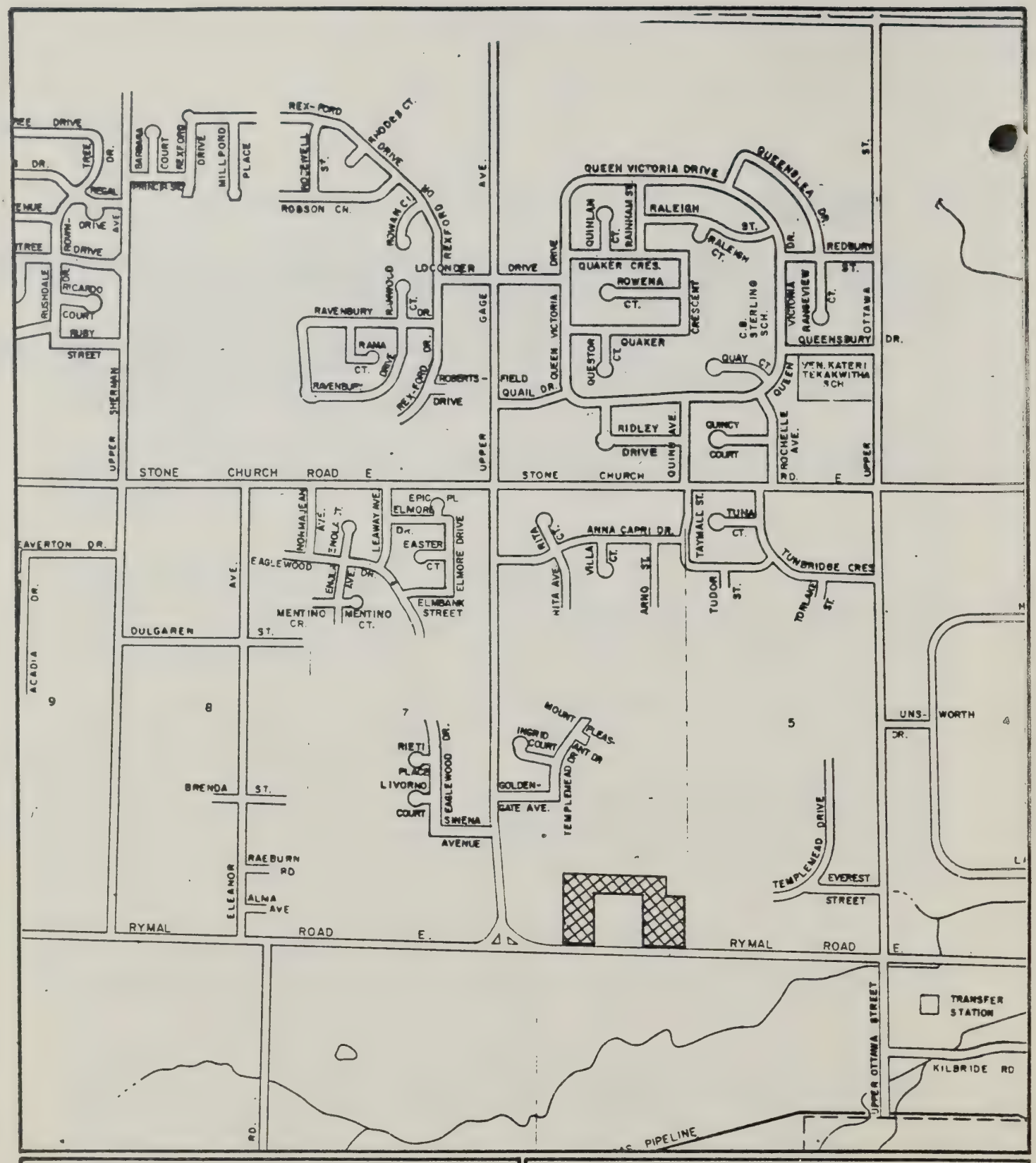
Requesting a further extension for an unspecified period on the basis that engineering drawings and the final plan are being processed at this time and to offset any unforeseen delays in processing and preparation of the Subdivision Agreements.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plans subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plans or the conditions, therefore, the extensions should be supported on the basis of the normal one year period in each instance.

CMD/jd



Location Plan For

TEMPLEMEAD Nº 3

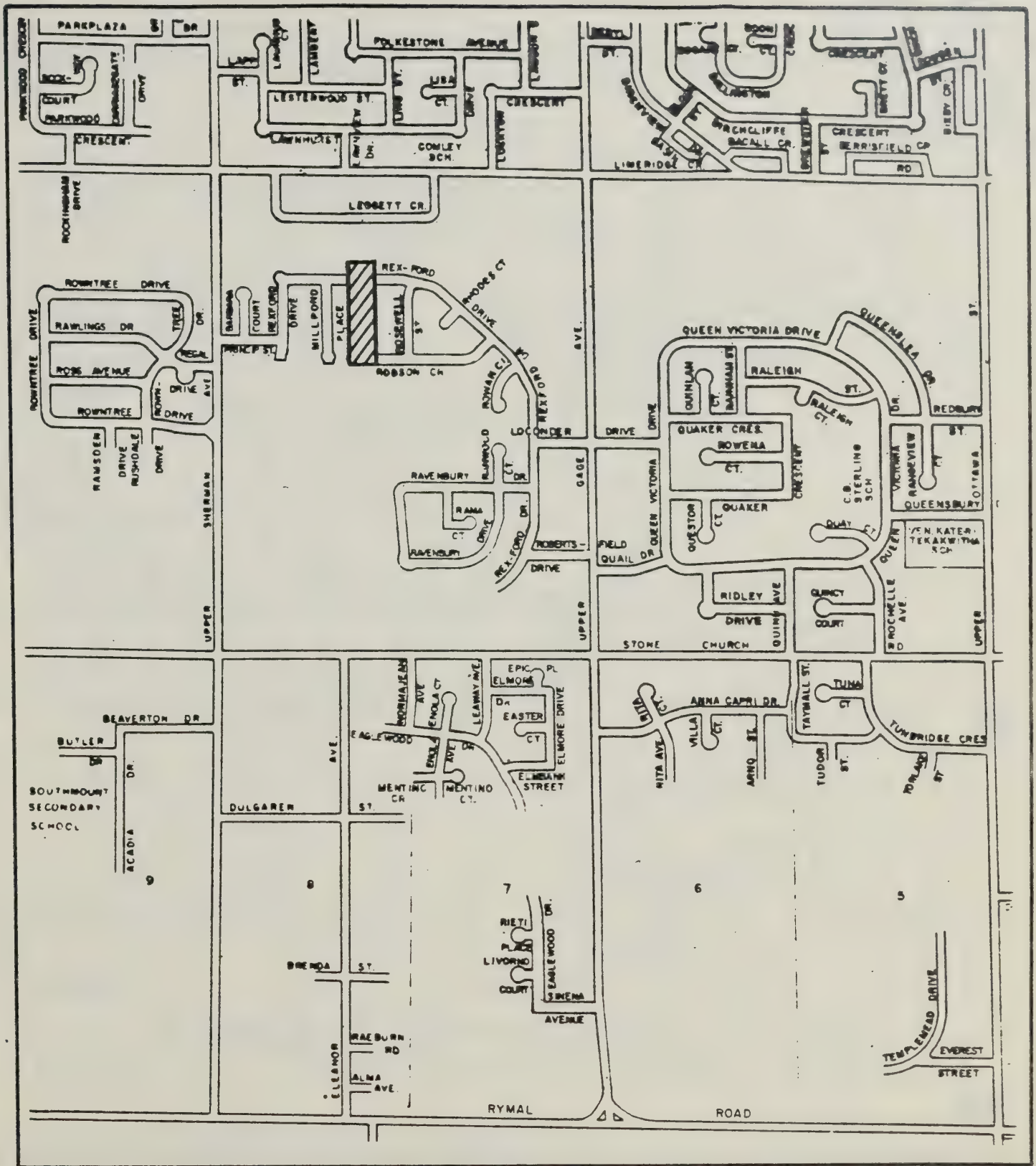
PARTS OF LOTS 5 & 6 - CON. 8
FORMERLY TOWNSHIP OF BARTON
NOW IN
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25 T-77005
	Date	Drawing No.
	JULY 2, 1987	



LOCATION PLAN FOR

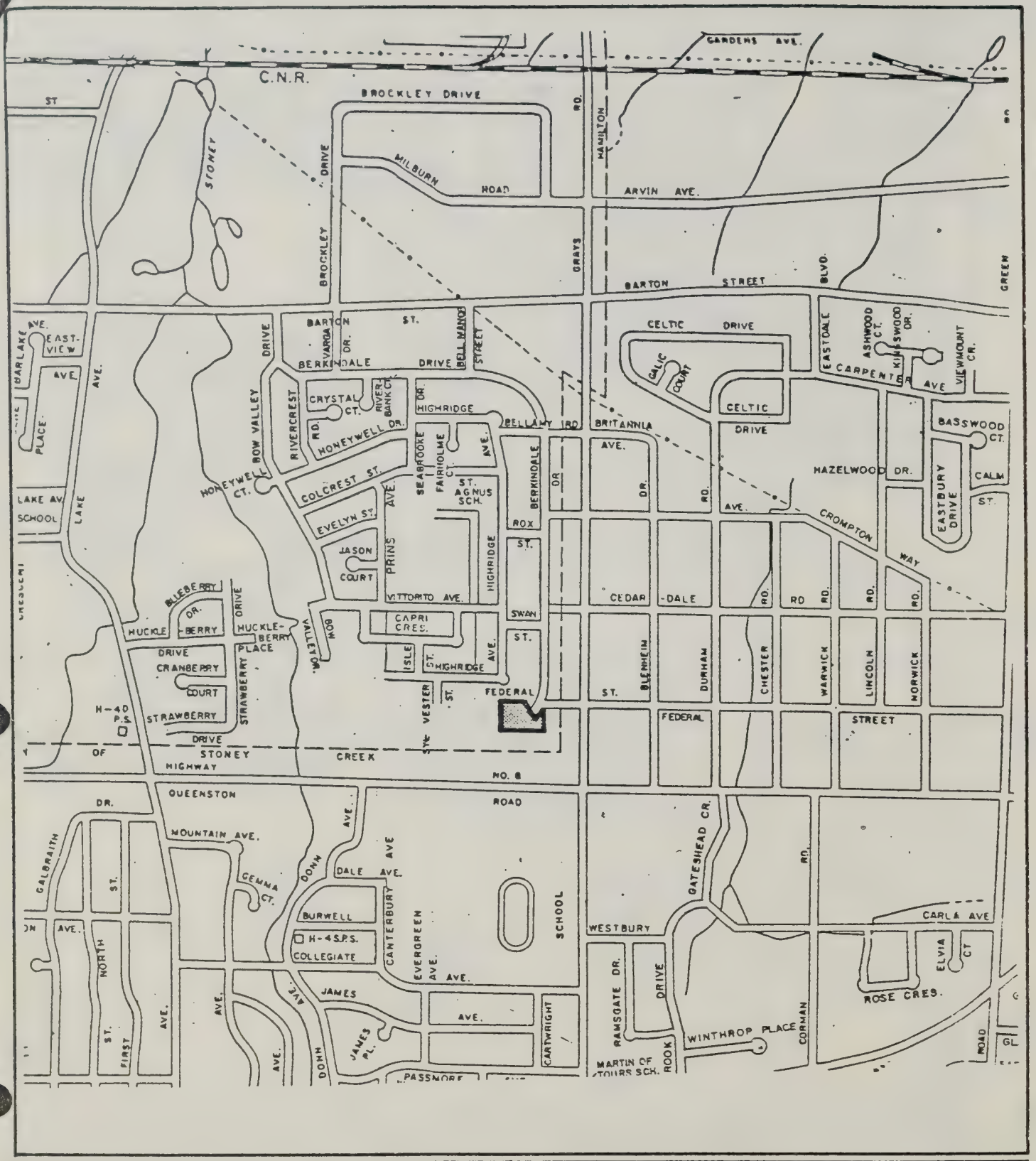
REXFORD HEIGHTS - Phase II

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-77033
	Date	
	MARCH 20, 1987	SA-77-22



Location Plan For

OAKLAND PARK EXTENSION No.4

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-79022
	Date	Drawing No.
	FEBRUARY 1986	86-H-27

26.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 MAY 13
COMM FILE:
DEPT FILE: D.5.10

SUBJECT

Repeal of Part-lot Control By-laws.

RECOMMENDATION

1. That approval be given to the attached by-law which repeals Part-lot Control By-laws 79-148, 79-158, 80-182, 81-182, 81-251, 81-252, 82-136, 82-137, 83-188, 83-220, 84-253, 86-113 and 86-146.

2. That the City Clerk shall register this by-law; and

3. That the Planning and Development Department be advised of the repealing by-law number.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

The Part-lot Control By-laws proposed to be repealed were enacted by a decision of City Council and were approved by Regional Council for registration.

The applicants requested removal of Part-lot Control from the various lands for easement purposes and for relocation of lot lines as established by Registered Plans.

The By-laws proposed to be repealed are in effect from about two (2) years and up to nine (9) years and have removed certain areas from planning control under the regulations of Sections 49 and 50 of the Planning Act.

The applicants or their legal representatives were notified in March of 1986 that the above-noted by-laws would be repealed and no objections were received. Therefore, it is understood that the intent has been completed.

COMMENTS

1. The request for the removal of part lot control originates from soon to be completed sales of properties.

2. To implement the request an applicant commissions a surveyor to prepare a Reference Plan. The applicant deposits the Reference Plan at the Registry Office after the Part-lot Control By-law has been registered.

3. This transaction should be completed in about six months, therefore sufficent time has been available to complete all legal documents.

4. To have areas without proper planning control is not a desirable situation and should be resolved in a short period of time.

5. Therefore, this report deals with and recommends a draft by-law which would repeal the aforementioned Part-lot Control By-laws and would return certain lands under the control of Section 50 of The Planning Act.

6. The registration of this repealing By-law does not require the approval of the Regional Municipality of Hamilton-Wentworth.

JLS/jd
0239P

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.

TO REPEAL BY-LAW NOS. 79-148, 79-158, 80-182, 81-182, 81-251, 81-252, 82-136, 82-137, 83-188, 83-220, 84-253, 86-113 and 86-146

WHEREAS this Council is empowered under subsection 7 of Section 49 of The Planning Act, 1983, Chapter 1, to remove all or part of such lands included within a Registered Plan of Subdivision from Part Lot Control;

AND WHEREAS this Council enacted on

May 9, 1979.....By-law No. 79-148,
May 29, 1979.....79-158,
June 24, 1980.....80-182,
June 23, 1981.....81-182,
September 8, 1981.....81-251 and 81-252,
June 29, 1982.....82-136 and 82-137,
June 29, 1983.....83-188,
July 27, 1983.....83-220,
November 27, 1984.....84-253,
March 25, 1986.....86-113,
April 20, 1986.....86-146;

AND WHEREAS there has been sufficient time to implement the required change to the registered plans involved;

AND WHEREAS it is desireable that the above-noted By-laws be repealed in order to re-establish Part-lot Control on the lands involved.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

That By-law Nos. 79-148, 79-158, 80-182, 81-182, 81-251, 81-252, 82-136 and 82-137, 83-188, 83-220, 84-253, 86-113 and 86-146

are hereby repealed.

PASSED this day of A.D. 1988.

City Clerk Mayor

27.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 MAY 31

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: P7-3

SUBJECT:

Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan is consistent and does not conflict with the City of Hamilton's planning intentions.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

Hamilton-Wentworth Region has requested the City's comments on proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan which provides for additional commercial uses in Industrial-Business Parks, subject to certain criteria relating to type, location and amount of development in the Parks.

BACKGROUND

Hamilton-Wentworth Region has initiated Amendment No. 35 to their Official Plan, (see Appendix "I" attached) which will allow for additional commercial uses to be permitted in the Industrial-Business Parks. The Amendments will also establish controls on the type, location, and amount of commercial development within Industrial-Business Parks.

The processing of the Amendment involves its circulation to various agencies for their input. Accordingly, the City has been requested to comment on proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan.

Basis for the Amendment

A review of the existing policies in the Hamilton-Wentworth Official Plan was undertaken in response to:

- the identification in the Economic Strategy for Hamilton-Wentworth for more office space in Industrial-Business Parks and a greater emphasis to be placed on attracting service sector operations;
- the increased pressures for a wider range of permitted uses (particularly commercial) in Industrial-Business Parks; and,
- the overall economic climate in which increased employment opportunities and significant expansion in the service sector is being experienced.

A survey undertaken by the Region indicated overwhelming support among the existing operations in Industrial-Business Parks for expanding the range of non-industrial uses within the Parks.

On this basis, an Amendment was initiated to the Hamilton-Wentworth Official Plan which permitted additional uses within Industrial-Business Parks, but established limitations on types, location and amount of commercial development. These limitations are imposed to protect the primary function, viability and integrity of the Industrial-Business Parks.

Analysis

The Hamilton-Wentworth Official Plan designates the East Mountain Industrial Park within the City as an "Industrial-Business Park". Accordingly, the policies of proposed Amendment No. 35 will apply only to this area of the City.

The proposed Amendment will permit "ancillary and service-type uses, including limited office development, land extensive commercial uses with warehouse/display areas requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automotive dealerships), hotels, banks, restaurants and recreational facilities." These uses are to be located along the frontage of major roads.

The City's Official Plan designates the majority of lands within the East Mountain Industrial Parks as "Industrial" on Schedule "A" - Land Use Concept (see Map 1) and as Special Policy Area 11 (Light Industrial) on Schedule "B" - Special Policy Areas. Within the Industrial designation, the following ancillary commercial uses are permitted:

- uses incidental to the industrial operations, such as retail and wholesale enterprises operated as a subsidiary of an industry;
- business such as, but not limited to, banks, garages, restaurants, material suppliers, etc., which are intended to directly serve the industries and their personnel; and,
- uses having characteristics or functional requirements similar to industries.

In addition, the Light Industrial category permits clubs or establishments catering to leisure activities. Further, uses such as banks, restaurants, garages, material supplies, etc., (as noted above) are restricted to areas abutting major roads in the East Mountain Industrial District. Lands developed and/or proposed to be developed for ancillary commercial uses within the Industrial designation are zoned "M-12" (Prestige Industrial) District and located along major roads. Previous discussions with the Regional Planning Branch have indicated that: ". . . the commercial uses allowed in the "M-12" zone are mostly service-oriented and would generally fall within the 'ancillary or service-type uses category' in the proposed new Policy . . ."

In addition, the City's Official Plan designates four areas "Commercial" within the East Mountain Industrial Park. (See Map.) The Commercial designation permits a wide range of commercial, business and service uses, and are "M-11" and "M-12" (Special). The proposed Amendment to the Hamilton-Wentworth Official Plan, however, provides that areas identified for "General Commercial" uses in area Official Plans "may also be considered as permitted uses in Industrial-Business Parks".

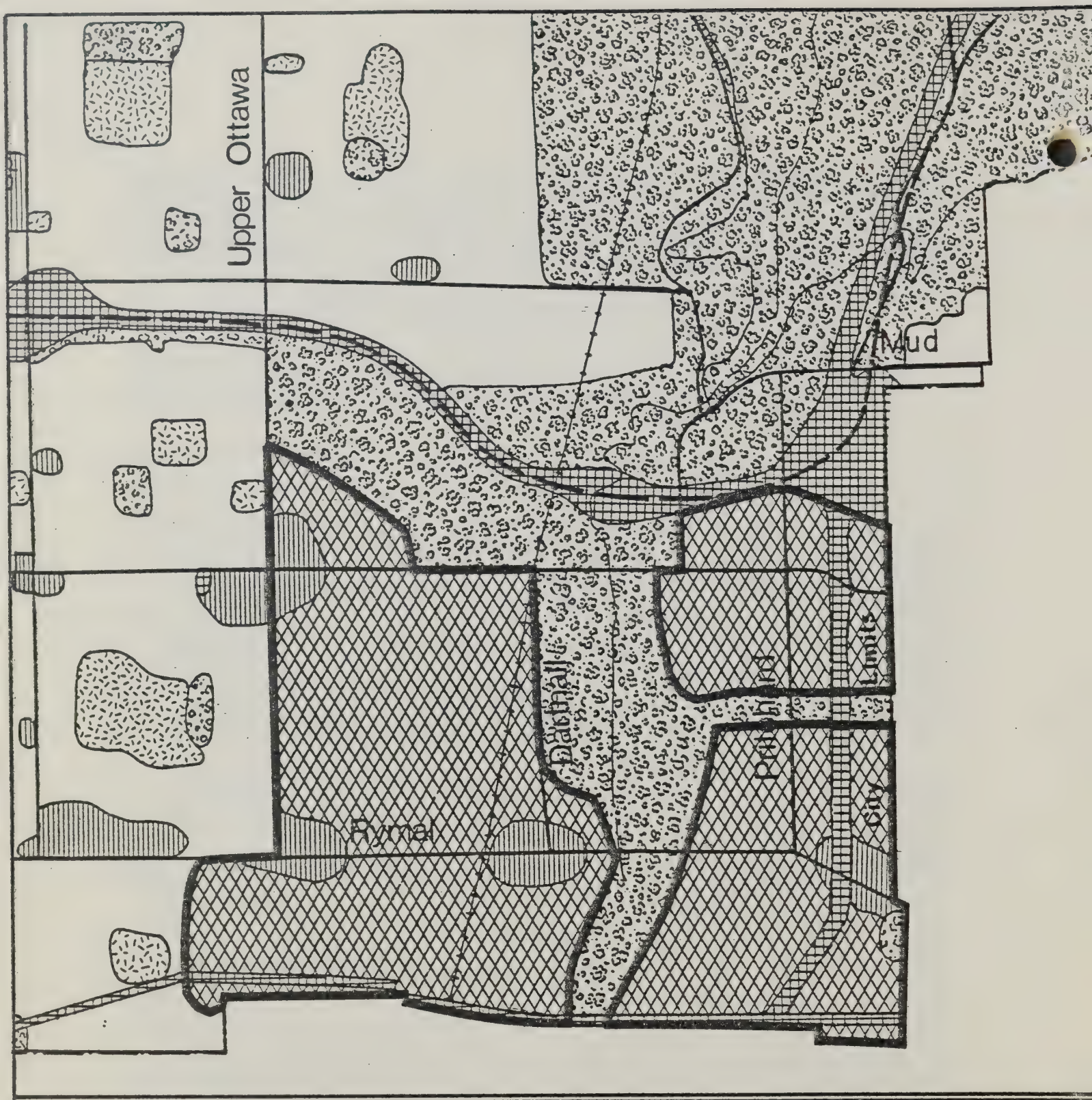
The proposed amendment also provides "limited retail commercial uses serving the general public, do not have site and building requirements similar to industrial uses, and which in total does not exceed 10% of the gross area of the Industrial Business Park may also be permitted". In the East Mountain Industrial Park, there is a total of 15 ha (38 acres) of land zoned M-11 (Prestige Industrial) District which permits these "limited" commercial uses. This represents only 5.6% of the gross area of the park (280 ha/690 acres) which is well below the 10%.

CONCLUSIONS

Based on the foregoing analysis, the policies of the City's Official Plan are consistent with those proposed by Amendment No. 35 to the Hamilton-Wentworth Official Plan.

The Region should be informed that proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton.

CF:CS
0157P



MAP 11

LEGEND

- INDUSTRIAL
- COMMERCIAL
- UTILITIES
- OPEN SPACE
- RESIDENTIAL
- BOUNDARY - EAST MOUNTAIN INDUSTRIAL PARK

APPENDIX "I"

AMENDMENT NO. 35

TO

THE REGION OF HAMILTON-WENTWORTH

OFFICIAL PLAN

HAMILTON-WENTWORTH PLANNING AREA

May 1988

Bill No.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R ___

BEING A BY-LAW TO ADOPT AMENDMENT NO. 35 TO THE OFFICIAL PLAN FOR THE HAMILTON-WENTWORTH PLANNING AREA ATTACHED TO AND FORMING PART OF REGIONAL BY-LAW NO. R

The Council of the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 17 and 21 of The Planning Act, 1983, S.O. 1983, Ch.1, hereby enacts as follows:

1. THAT the text attached hereto and so designated is hereby adopted as Amendment No. 35 to the Official Plan for the Hamilton-Wentworth Planning Area.

2. THAT the Clerk of the Region is hereby directed to forward Amendment No. 35 to the Official Plan for the Hamilton-Wentworth Planning Area, to the Minister of Municipal Affairs for approval.

3. THAT the Official Plan attached to and forming part of By-Law No. R80-094 is hereby amended by adding thereto the text attached hereto.

4. THAT this By-Law shall come into force and take effect on the day of its final passing.

READ a first, second and third time and finally passed and enacted

this ____ day of _____, 1988.

_____ Chairman

_____ Clerk

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ADOPTING BY-LAW OF
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

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APPROVAL PAGE OF THE MINISTER OF MUNICIPAL AFFAIRS

PART II PREAMBLE

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2. COMPONENTS OF THIS AMENDMENT

3. PURPOSE

4. BASIS

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1. INTRODUCTION

2. DETAILS OF THE AMENDMENT

PART IV THE APPENDIX

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PART I

PART 1 THE CERTIFICATION

AMENDMENT NO. 35

TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN

THE HAMILTON-WENTWORTH PLANNING AREA

Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area, constituting the explanatory text was prepared by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth and adopted by Regional Council by By-law No. _____ in accordance with Section 17 of The Planning Act, 1983, S.O. 1983, Ch.1, on the ____ day of _____ 1988.

_____ Chairman

_____ Clerk

PART II - THE PREAMBLE

1. TITLE

This Amendment shall be known as Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "PART III - The Amendment", comprising the attached text, constitutes Amendment No. 35 to the Region of Hamilton-Wentworth Planning Area.

3. PURPOSE OF THE AMENDMENT

Amendment No. 35 is intended to replace existing policies in the Industrial-Business Parks section of the Official Plan with a new policy which will broaden the range of uses (mainly commercial) which are permitted, establish locational criteria to control the placement of these types of uses and a limitation as to the amount of commercial development permitted within the parks.

4. BASIS OF THE AMENDMENT

The Economic Strategy for Hamilton-Wentworth identifies a need for more office space in the Region's Industrial-Business Parks and recommends a greater emphasis be placed on attracting service sector operations to the Region. This approved policy along with increased development pressures for a wider range of permitted uses (especially commercial) in the Industrial-Business Parks and the overall economic climate in which increased employment opportunities and significant expansion in the service sector is being experienced, has necessitated a review of existing official plan policy and a tailoring of new policies to meet these new demands in the Industrial-Business Parks.

In addition, a survey has been completed (Report contained in Appendix A) regarding the positions of existing industrial and industrial/commerical operations in the Industrial-Business Parks, on the possibility of increasing the types of permitted uses in these parks. The study results indicated overwhelming support among the existing operations for expanding the range of non-industrial uses within the Industrial-Business Parks.

Commercially designated land is available throughout the Region, and some commercial uses are not appropriate in Industrial-Business Parks. Also, the amount of commercial development should be restricted to protect the primary function, viability, and integrity of these parks. It is appropriate, therefore, to place various limitations on the non-industrial development, restricting the types, location, and amount of commercial development in the parks.

The restriction on the amount of development is to apply only to retail commercial uses and is proposed at up to 10% of the gross area of the individual Industrial-Business Park. While this is a somewhat arbitrary figure it is necessary to ensure that the primary (industrial business) function of these parks is maintained.

PART III

PART III - THE AMENDMENT

1. INTRODUCTION

The whole of this part of the document entitled "PART III - The Amendment", which consists of the following text constitutes Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

2. DETAILS OF THE AMENDMENT

Section 2.3 - Industrial-Business Parks, is hereby amended by replacing the existing policy 2.3.1, including the specific reference to the Clappisons Corners Industrial-Business Park, with the following:

"2.3.1 To designate Industrial-Business Parks shown on Map No. 1 to accommodate primarily manufacturing, construction, wholesale establishments and truck terminals.

Ancillary and service type uses, including limited office development, land extensive commercial uses with warehouse/display areas requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automotive dealerships), hotels, banks, restaurants and recreational facilities, which will not interfere or conflict with the primary activities may be permitted. These types of uses generally shall be directed to locations having frontage along a major road, away from the interior sections of the parks or in concentrated specifically designated areas within the Industrial-Business Parks.

Limited retail commercial developments which serve the general public, do not have site and building requirements similar to industrial uses, and which in total do not exceed 10% of the gross area of the individual Industrial-Business Park may also be permitted, subject to the same requirements and locational criteria as the above mentioned ancillary and service uses.

Area Municipal Plans shall contain detailed policies identifying the type and locational criteria for these permitted ancillary and service type uses.

In addition, those uses identified in existing General Commercial designations of the Area Municipal Official Plans may also be considered as permitted uses in the Industrial-Business Parks. The location of the uses shall be restricted to the designated General Commercial areas."

PART IV

THE APPENDIX

1. APPENDIX "A"

Results, conclusions and recommendations from a survey conducted in the Fall of 1987 regarding the preferences of existing operations in the Region's-Industrial-Business Parks, to the possible expansion of the range of non-industrial (mainly commercial) uses in the industrial parks.

APPENDIX "A"

INDUSTRIAL-BUSINESS PARKS - NON-INDUSTRIAL USES REVIEW
REGION OF HAMILTON-WENTWORTH

INTRODUCTION:

There are currently seven designated Industrial-Business Parks (I.B.P.) in the Region. Existing policies in the Hamilton-Wentworth Official Plan direct industrial development to these parks; but also place certain limitations on the types of ancillary activities or non-industrial uses which will be permitted. The main focus of these policies is to ensure the availability of sufficient industrially designated lands to meet the Region's future requirements.

However recent global, national and provincial economic developments have resulted in a changing economic climate with greater emphasis placed on the service sector of the economy. Community, business and personal services, public administration, wholesale and retail trade and finance, insurance and real estate, now constitute the growth sector of the economy and this trend is expected to continue and strengthen in the future.

The Economic Strategy for Hamilton-Wentworth addresses this sectoral shift in the economy and in asessing this trend in the Regional context indicates that, "In order to maximize the creation of jobs and further diversify the Regional economy, the strategy will focus on attracting jobs in the service sector." The identified target areas include corporate offices, services to business, finance, insurance and real estate and the health industry.

The strategy goes on to state that, "The Region needs a supply of office space in both the downtown and strategically-located industrial-business parks." One of the major target areas (service sector) for future growth has been identified and some of the prime locations for the types of uses are Industrial-Business Parks in the Region. In order to accommodate some of the targeted firms it may be necessary to revise official plan policies. Again the economic strategy suggests that, "Development standards in all industrial-business parks should be examined in light of the identified target industry types. Land use and development controls should be revised to accommodate the desired uses in appropriate locations."

While attraction of service sector uses to the Region is vital, their site location within the Region is also significant. It may not be desirable to direct all of this type of development to the Industrial-Business Parks since these non-industrial uses would further deplete the available prime industrial land and could create land use conflicts with existing and future industrial development. In addition, various policies in the Hamilton-Wentworth Official Plan direct retail activities to Regional and Sub-Regional Centres (7.4.1.2), and head offices, major bank branches and real estate firms (7.4.2.2.), community, business and personal services (7.4.3.3.) to downtown Hamilton. Other policies (2.2.1.2 and 3) emphasize the multi-use role of the Regional Centre and encourage a wide range of commercial/office uses to locate in the downtown area.

INTRODUCTION: (continued)

Therefore, the emphasis on accommodating service sector uses in Industrial-Business Parks may have to be tempered by retaining some control on the type, extent and location of commercial or non-industrial uses within the parks. This limitation is supported by approved Regional policies regarding Regional and Sub-Regional Centres.

The recognized shift to the service sector of the economy, identified in the Economic Strategy is being realized in increased pressures to develop industrial lands in the parks for non-industrial (usually retail commercial requiring display areas) uses. The Hamilton Mountain Industrial-Business Park is a good example, where many of the recent land sales and rezonings in the park have been for commercial or non-industrial uses. The problem is that these types of land uses can be accommodated on appropriately designated lands elsewhere in the municipality so that prime industrial lands can be reserved for industrial development.

It would appear that service sector uses are desirable and represent a significant growth factor in the future for the Region's Industrial-Business Parks but some control may have to be maintained to protect the indiscriminate depletion of the available industrial land inventory. In order to obtain an increased insight into the issue of service/retail uses in the I.B.P.'s a brief survey and analysis of the existing operations in the parks was undertaken.

STUDY OUTLINE:

In the fall of 1987 a survey (both through questionnaire and telephone contacts) was conducted involving 114 individual contacts with existing industrial or commercial/industrial operations in the Industrial-Business Parks. A total of 109 responses were obtained for a response rate of 95.6%. The questionnaire used in the survey is attached. In the case of Stoney Creek a telephone survey was utilized because the City of Stoney Creek recently conducted an industrial survey by distributing written questionnaires and it was felt that a second survey in such a short time period would be inappropriate.

The information requested through the survey involved the type of industrial use, the firm's position concerning a greater range of commercial use being permitted in the Industrial-Business Parks with reasons and preference for location of such uses. The significant response rate and the details contained in the responses provide an excellent overview as to the perspectives of the existing operators in the I.B.P.'s and substantial justification for the conclusion and recommendation section of this report.

STUDY RESULTS:

Due to the varying extent of development in the Region's industrial parks it was impossible to obtain uniform coverage of all the parks. The responses were spread over the four I.B.P.'s as follows:

Stoney Creek	- 60
Hamilton Mountain	- 39
Ancaster (Duff's Corner)	- 8
Flamborough	- 2

Since there has been no industrial development in the other I.B.P.'s (Glanbrook, Allarco, and Glanbrook Airport) there were no questionnaires distributed to these areas.

The results from the survey indicate an overwhelming support from existing firms (a total of 91) for a wider range of commercial uses (including offices, restaurants, financial institutions, hotels, retail stores, recreational facilities, lumber yards and other retail commercial uses). The reaons for this support in a ranking based on the number of times mentioned in responses, were: (percentages in brackets)

- o convenience for employees (39%)
- o accessibility to commercial goods and services for the industrial uses (36%)
- o compatible with industrial uses (25%)

It is significant to note that a number of respondents identified a definite need for hotel accommodations within the Industrial-Business Parks.

In contrast to the support for more non-industrial uses only 13 responses were opposed to broadening the range of uses. Their reasons included: (percentages in brackets)

- o potential land use conflicts (41%)
- o traffic problems (33%)
- o parking overflow from commercial uses (26%)

The final question in the survey was an attempt to obtain specific coments regarding the location of these uses within the I.B.P.'s. The detailed responses from those firms supporting new uses included the following locational comments: (percentages in brackets)

- o no preferences (64%)
- o along arterial road frontage (20%)
- o concentrated in specific areas (10%)
- o at the intersections of major roads (6%)

RECOMMENDATION: (continued)

Therefore it is suggested that Section 2.3 (Industrial-Business Parks) of the Hamilton-Wentworth Official Plan be amended as follows:

- Policy 2.3.1 on Page 7 which presently contains two sections be replaced with a single policy 2.3.1 as follows:

  "2.3.1 To designate Industrial-Business Parks shown on Map No. 1 to accommodate primarily manufacturing, construction, wholesale establishments and truck terminals.

  Ancillary and service type uses, including limited office development, land extensive commercial uses with warehouse/display areas requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automotive dealerships), hotels, banks, restaurants and recreational facilities, which will not interfere or conflict with the primary activities may be permitted. These types of uses generally shall be directed to locations having frontage along a major road, away from the interior sections of the parks or in concentrated specifically designated areas within the Industrial-Business Parks.

  Limited retail commercial developments which serve the general public, do not have site and building requirements similar to industrial uses, and which in total do not exceed 10% of the gross area of the individual Industrial-Business Park may also be permitted, subject to the same requirements and locational criteria as the above mentioned ancillary and service uses.

  Area Municipal Plans shall contain detailed policies identifying the type and locational criteria for these permitted ancillary and service type uses.

  In addition, those uses identified in existing General Commercial designations of the Area Municipal Official Plans, may also be considered as permitted uses in the Industrial-Business Parks. The location of the uses shall be restricted to the designated General Commercial areas."

This proposed revision should be incorporated into a general text amendment to the Hamilton-Wentworth Official Plan.

28.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 7

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: CI-88-C
Landsdale
Neighbourhood

SUBJECT:

Rezoning for the property located at No. 255 West Avenue North (West Avenue School)

RECOMMENDATIONS

(A) That approval be given to City Initiative 88-C, City of Hamilton, owner, requesting a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the conversion of the existing school for one or more of the following commercial, institutional, residential and public uses, for the property located at No. 255 West Avenue School, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "G-3" (Public Parking Lot) District, modified, to "H" (Community Shopping and Commercial, etc.) District.

ii) That the "H" (Community Shopping and Commercial, etc.) District regulations contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

a) That notwithstanding Section 14.(1), only the following uses shall be permitted within the existing building:

1. Commercial Uses

- Offices excluding medical and dental offices
- Theatrical Production and Administrative facility with no seating
- Public parking lot
- Commercial School

2. Residential Use

- Multiple Dwelling

3. Institutional Use

- Day Nursery

4. Public Uses

- Community Center
- Museum

iii) That Section 14.(3) shall not apply.

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-12 be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12;

vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B) That the subject lands be added to Schedule "A" of Site Plan Control By-law 79-275, as amended by By-law 87-223 as shown on the attached map marked APPENDIX "B".

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.,) District for the property located at No. 255 West Avenue North, as shown on the attached map.

The effect of this By-law is to permit the conversion of the existing West Avenue School for one or more of the following uses only:

- offices excluding medical and dental offices
- theatrical production and administrative facility with no seating capacity
- with no seating
- public parking lot
- day nursery
- multiple dwelling
- community center
- commercial school
- museum

In addition, the By-law exempts the existing building from the provision of yards which are required for residential uses.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

City Council at its meeting of March 29, 1988, denied the demolition of West Avenue School for a public parking lot and directed the Executive Committee to review the future use of the property including interim uses.

On May 10, 1988, City Council approved the use of the school for Theatre Aquarius. The property has to be rezoned to permit this use. The additional uses included in the recommendation are a result of groups or individuals who have expressed interest in using West Avenue School for these purposes.

LOT SIZE AND AREA

- 43.48 m (142.67 ft.) of lot frontage on Barton Street East;
- 59.13 m (194.0 ft.) of flankage on West Avenue North; and,
- 2,554 75 m^2 (27,500 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	former West Avenue School	"G-3" (Public Parking Lot) District
Surrounding Lands		
To the north	Hamilton General Hospital	"H" (Community Shopping and Commerical, etc.) District
To the south	Single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
To the east	Single-family dwellings, two-family dwellings and row dwellings	"H" (Community Shopping and Commercial, etc.) District
		"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
To the west	Auto repair garage,row dwellings and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" on the approved landsdale Neighbourhood Plan. The proposal complies with the intent of the approved plan.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority Building Department and Traffic Department have no comments or objections
- The Building Department has indicated variances are required
- The Hamilton Wentworth Engineering Department has advised, in part, that:

  According to our records, there is an allowance. This type of encroachment is contrary to the Region's Roads Use By-law and the encroachment remains at the risk of the applicant/owner. (see attached letter for full comments).

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal complies with the intent of the approved Landsdale Neighbourhood Plan.

3. The proposal merits consideration for the following reasons:

   a) the proposed uses are compatible with the surrounding land uses

   b) it is an excellent adaptive re-use of an existing vacant school building

   c) it is located on a major arterial road (Barton Street East)

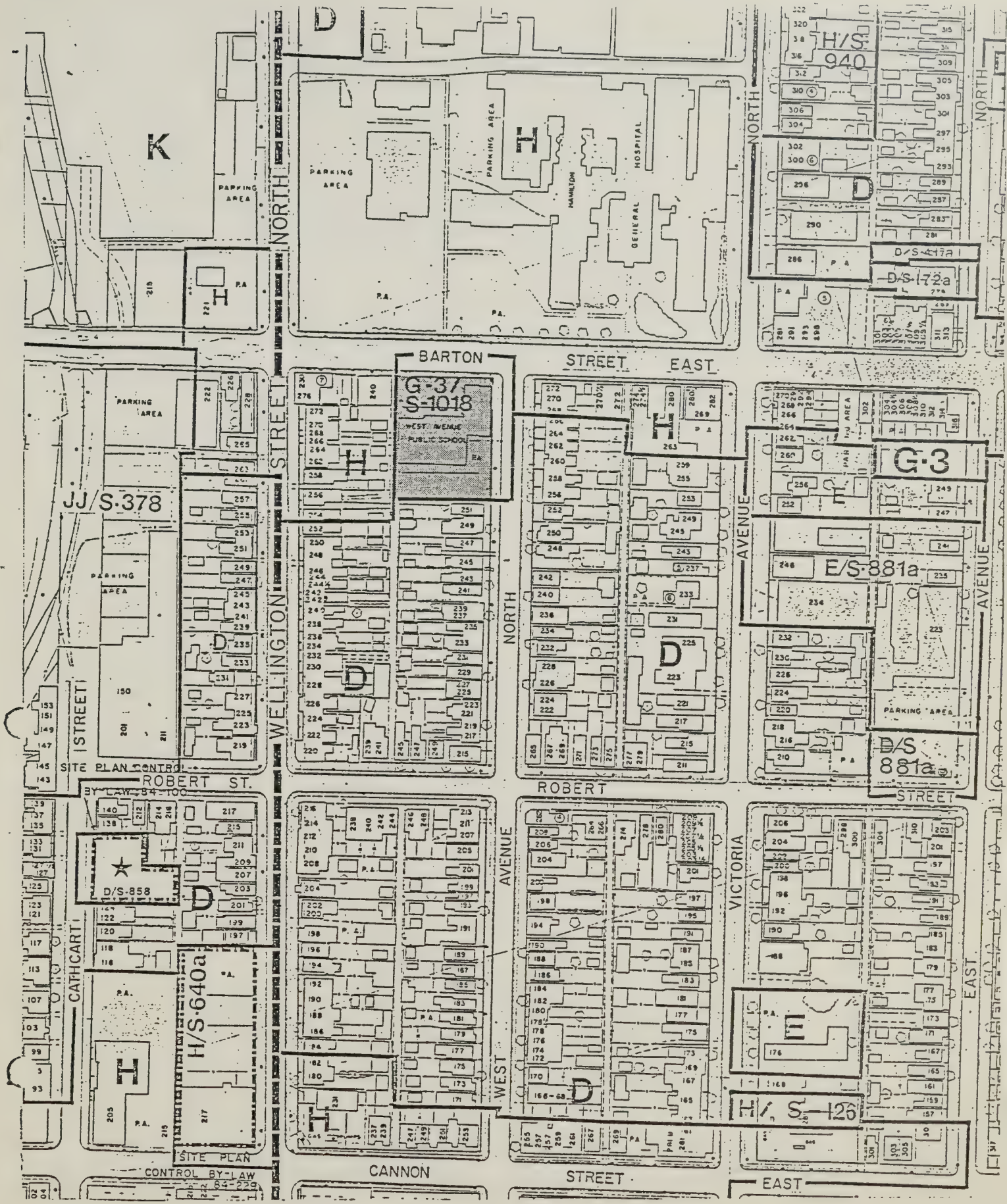
4. The proposed By-law exempts the existing building from providing the necessary yards which are required if the school is to be converted to residential. Since the building is existing, the variance may be supported.

5. The subject lands are currently under Site Plan Control (in accordance with the "G-3" District regulations); therefore, it is appropriate to continue Site Plan Control. This will only apply when the former school is redeveloped for a specific use (with the exception of theatre Aquarius). Matters such as parking, access etc., will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/ma
WP0118P

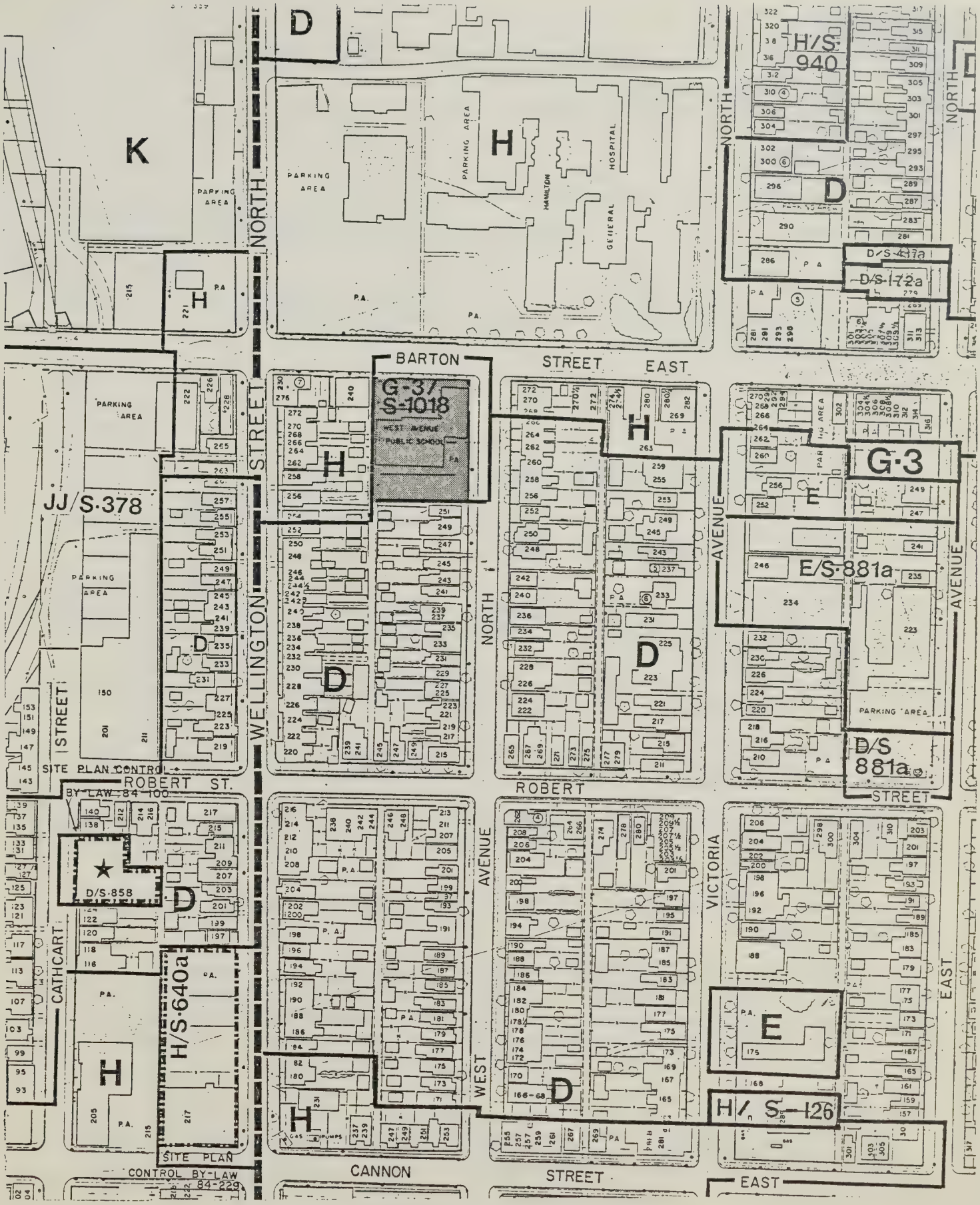


LEGEND

SITE OF THE APPLICATION

C.I. 88-C

APPENDIX A



LEGEND

SUBJECT LANDS TO BE ADDED TO SITE PLAN CONTROL BY-LAW 79-275 AS AMENDED BY BY-LAW 87-233

C.I. 88-C

APPENDIX B

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID0068D(56)

Refer to File No. E220-1201
Attention of T.L. Hearns
Your File No. CI-88-C

June 3, 1988

TO: J. Hickey, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: From "G-3" to "H" district modified for property located at 255 West Avenue North

Further to your recent request, please be advised that public watermains as well sanitary and storm sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any work within the adjacent road allowances must conform to the resepctive Streets By-Laws. According to our records, there is an existing ornamental fence encroaching into the Barton Street road allowance. This type of encroachment is contrary to the Region's Roads Use By-Law and the encroachment remains at the risk of the applicant/owner.

According to our records, the alley adjacent to the subject lands is public assumed.

It is unclear, from the application submitted, what the use of these lands will be and whether or not the existing building will be renovated, replaced, etc. We therefore recommend that should the existing building be demolished or parking areas be extended, that these lands be developed through Site Plan Control.

for K. A. Brenner

TLH

29.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 20
COMM FILE:
DEPT. FILE: ZA-88-19
Lawfield Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - vacant lands located at the north-west corner of Upper Gage Avenue and Limeridge Road East to permit an eight-storey apartment building on the site.

RECOMMENDATION

a) That approval be given to Zoning Application 88-19, Robert Leggat, owner, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;

ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

b) That the previous resolution dealing with the rezoning of this site (ZA-87-07 - 6.R.P.D.C. March 31, 1987) be rescinded since the applicant has withdrawn this application.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit development of the subject lands for an apartment building, having a maximum height of eight storeys.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

On March 31, 1987, City Council adopted a recommendation to approve a change in zoning for the subject property from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District to permit development of the subject lands for either townhouses or low-rise apartments, having a maximum height of three storeys.

To date, a by-law has not been forwarded to City Council for approval because the applicant has not submitted a survey plan describing the limits of the property required as a condition of approval of the previous zoning application (ZA-87-07).

On February 29, 1988 the applicant's agent submitted a letter withdrawing zoning application ZA-87-07, and now wishes to rezone the lands to permit an eight-storey apartment building instead of a low-rise type development.

APPLICANT

Robert Leggat, owner.

LOT SIZE AND AREA

- 50.29 m (165.0 ft.) of lot width (approx.);
- 75.3 m (247.13 ft.) of lot depth (approx.); and,
- 0.3 ha (0.7 acres) of lot area (approx.). Note: dimensions subject to confirmation by a survey plan to be submitted.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
To the north	Nursing Home	"DE-2" (Multiple Dwellings) District
To the south	Multiple Dwellings	"E-2" (Multiple Dwellings) District
To the east	Multiple Dwellings	"E-2" (Multiple Dwellings) District
To the west	Single-family Dwellings	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Low Density Apartment" developments on the approved "Lawfield" Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The property will abut the Limeridge Road Freeway."

- The Traffic Department has advised that:

  "The approved Neighbourhood Plan provides for the closure of Limeridge Road west at the westerly limits of the subject lands. We therefore recommend that the cul-de-sac be extended east to provide the subject lands with direct access. In addition, we recommend that the development plans prepared for the subject lands provide for access at the westerly limits of the property on Limeridge Road."

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains, as well as separate storm and sanitary sewers are available to service the subject lands.

  The designated road allowance width of Upper Gage Avenue is 35.58 m (120 ft.), a portion of which has previously been acquired. However, as a condition of development approval, further lands are required to establish the property line 18.29 (60 ft.) from the centre line of construction.

  The subject lands are located at the north-west angle of Limeridge Road and Upper Gage Avenue and will be affected by the construction of the East-West Transportation Freeway. During the first phase of the freeway construction, Limeridge Road will likely be closed and a cul-de-sac constructed on Limeridge Road, west of Upper Gage Avenue.

  During the second phase, a full interchange will be constructed at the East-West Freeway/Upper Gage intersection. An on-ramp to the Freeway will be constructed adjacent to the subject lands.

  In order to facilitate these roadway improvements, we require that the portion of land required for the East-West Transportation facility and the on-ramps, etc., be excluded from this development, either now or at the site plan stage. The owner may wish to approach the Region to purchase these lands.

  Comments from the respective emergency agencies should also be considered with respect to the length of the Limeridge Road cul-de-sac and any emergency access requirements.

  Any work within the adjacent road allowances, as widened, must conform to the respective Streets By-laws.

  Access can only be provided on Limeridge Road at the westerly limits of the neighbourhood. Plans should be changed to reflect an extension of the cul-de-sac on Limeridge Road to the outer limits of the subject lands."

- The Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee staff and the Ministry of Environment have no comments or objections.

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal to permit the apartment building complies with the intent of the approved Lawfield Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - It is ideally situated on the periphery of the neighbourhood and at the future interchange of Upper Gage Avenue and the proposed Mountain Freeway where higher density development is encouraged;

   - An apartment building would be compatible with the existing nursing home located immediately to the north, townhousing development to the south and east, as well as proposed low density apartment development to the west.

   - The site is within close proximity to shopping and community facilities and is situated on a public transit route.

4. Development of the lands within the "DE-2" District is subject to the provision of Site Plan Control By-law 79-275. In this regard, matters related to parking, landscaping, grading, fencing, access and road widenings, etc., can be further regulated at the site plan approval stage of development.

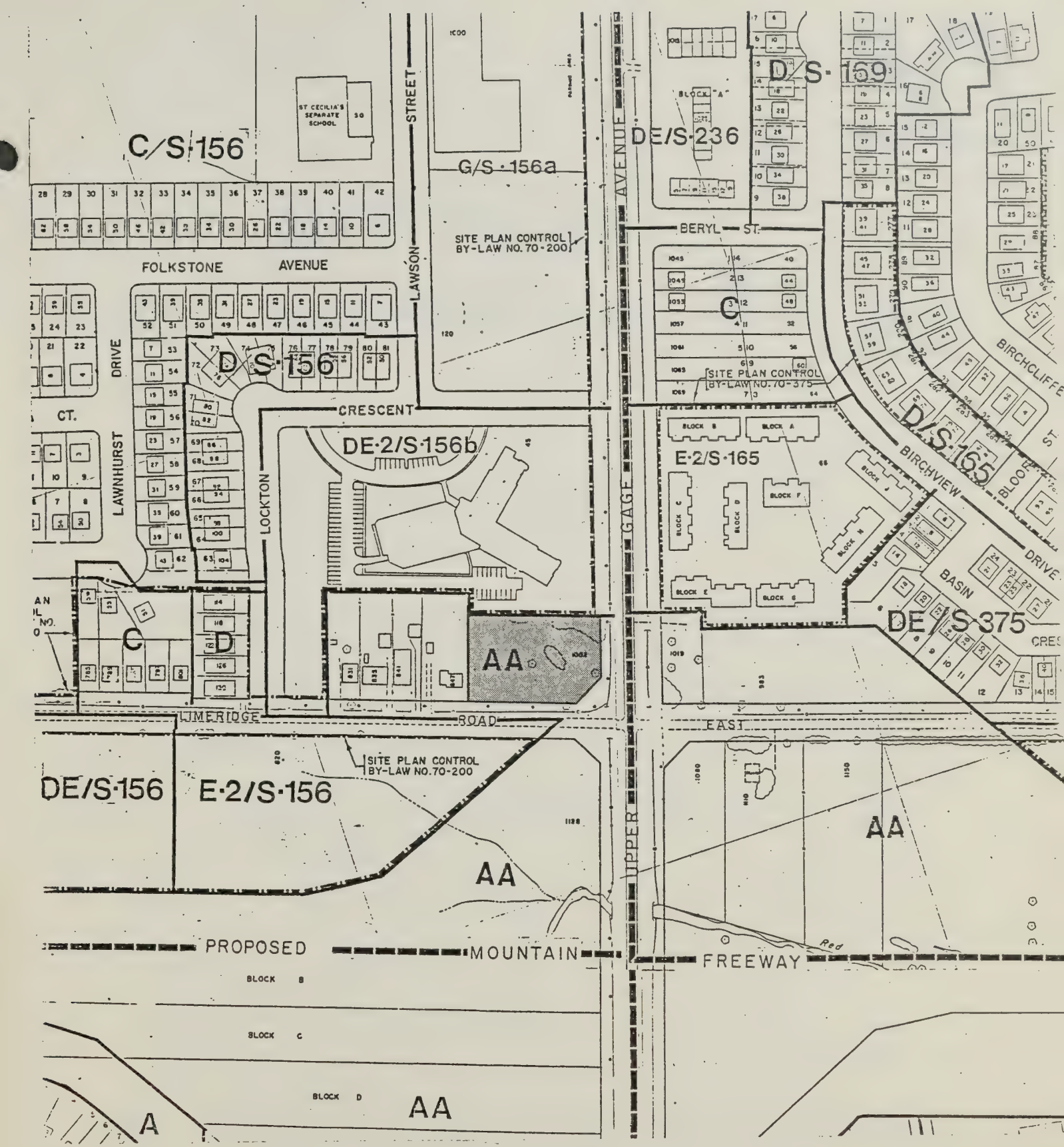
5. Should the application be approved, it is recommended that the previous resolution adopted by City Council rezoning the lands from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District be rescinded as the applicant has withdrawn the application.

6. The applicant should be aware that access to this site will be restricted once the Mountain Freeway interchange is constructed. Future access from Upper Gage Avenue will be eliminated and Limeridge Road will become a dead-end street. Access to this site would be via the local residential dead-end street (Limeridge Road).

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

GW:CS
WP 0157P



LEGEND

SITE OF THE APPLICATION

ZA 88-19

APPENDIX A

FOR ACTION

30.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 3

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-23
MOUNTVIEW
NEIGHBOURHOOD

SUBJECT

Request for a modification to the zoning for the property located on the west side of Sanatorium Road, south of Scenic Drive.

RECOMMENDATIONS

(a) That approval be given to Zoning Application ZA-88-23, Chedoke-McMaster Hospitals, owner, requesting a modification to the "AA" (Agricultural) District to permit the development of subject lands for a medical office complex having a gross floor area of approximately 4,645 m^2 (50,000 sq. ft.), for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1) that notwithstanding Section 7A(1), the following commercial uses shall be permitted:

a) medical offices and accessory uses;
b) tuck shop;
c) drug store; and,
d) medical laboratories.

2) that the rear and side yard requirements of Section 7A(3) shall not apply.

3) that notwithstanding Section 18A(1)(d) and (e) one loading space (9.0 m x 3.7 m x 4.3 m) shall be provided and maintained on the lot.

4) that notwithstanding Section 18A.(9), the required parking may be located off-site.

5) That Sections 18A.(11), (12), (14) and (26) shall not apply.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-36 and W-37 be notated S- ;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(a) That the subject lands be added to Site Plan Control By-law 79-275, as amended by By-law 87-223, as shown on the attached map marked as APPENDIX "B".

EXPLANATORY NOTE

The purpose of this by-law is to provide for a modification to the "AA" (Agricultural) District for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for a medical office complex with accessory uses having a gross floor area of approximately 4,645 m^2 (50,000 sq. ft.)

In addition, the By-law provides for the following variances:

- to allow the 218 required parking spaces to be accommodated off-site (on the existing Chedoke-McMaster hospital grounds) (Section 18A.(9)).
- to exempt the development from the rear and side yard requirements.
- to allow the development to provide one loading space (9.0 m x 3.7 m x 4.3 m) instead of the legally required 2 large loading spaces (Section 18A.(1)(d) and (e)).
- to allow the parking area to be located within 1.5 m of a residential district and closer than 6.0 m to the front lot line (Section 18A.(11)).
- to exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m to 2.0 m high visual barrier between the parking area and a residential district (Section 18A.(12)).

- to allow required parking in the required front yard (Section 18A(14)).
- to allow the egress and ingress for the medical centre to be located less than 3.0 m from a residential district (Section 18A.(26)).

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The proposed development is a two storey medical building having a gross floor area of approximately 4,645 m^2 (50,000 sq. ft.), which includes 2,878.5 m^2 (30,985 sq. ft.) of medical offices and 1,766.5 m^2 (19,015. sq. ft.) of accessory uses such as health facility, medical labs, pharmacy, squash courts, tuck shop, etc.

The building will be attached to the Evel building via a walkway.

The applicant has indicated that the cost of the project will exceed $1 million and the manpower for the construction of the building will consist of people mainly from the Hamilton-Wentworth Region.

APPLICANT

Chedoke-McMaster Hospitals, owner.

LOT SIZE AND AREA

The lot is irregular in shape having a frontage of 127.4 m (418 ft.) on Sanatorium Road and a total lot area of 4,703.5 m^2 (50,630 sq. ft.).

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District.
Surrounding Lands		
To the South, East, and West	Chedoke Hospital	"AA" (Agricultural) District.
To the North	Mohawk College	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Major Institutional" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Civic and Institutional" in the approved Mountview Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority has no objections.
- The Hamilton-Wentworth Engineering Department has advised, in part, that:

  "... public watermains are available to service the subject lands. Sanitary/storm sewers have not been installed in this area.

  For the information of the applicant:

  - The plan(s) submitted appears to contain conflicting dimensions. The property line chainages are in metric but the site plan is scaled imperial. The plans must be changed to reflect consistent dimensions, preferably metric.

We have reviewed these proposed accesses on location and advise that:

b) There are horizontal curves on this section of Sanatorium Road which today does not present a visibility obstruction since vegetation adjacent to the road allowance appears to be sod only. At such time as detailed site plans are submitted for our review, we will determine whether the existing bus shelter at the north end of the subject lands should be relocated to provide for increased visibility.

c) At the present time there is a gradual slope down to the north and west of approximately 1.5 m to 3.0 m. We advise, at this time, that the grade of the access driveways within the road allowance is not to exceed 3%." (See attached letter for full comments).

- The Building Department has advised that variances are required.

- The Traffic Department has advised that:

"... we have reviewed the above-noted application and find it satisfactory. However, we recommend that the proposed development be placed under site plan control to ensure that adequate access and other related concerns are addressed."

COMMENTS

1) The proposal complies with the Official Plan and the approved Mountview Neighbourhood Plan.

2) The proposed development can be supported for the following reasons:

a) it is appropriately located on the grounds of the Chedoke hospital and, therefore, is compatible with the surrounding institutional uses; and,

b) it is located on a collector road (Sanatorium Road).

3) In addition, the by-law provides for the following variances:

o Yard Requirements - Section 7A

Under the "AA" (Agricultural) District regulations, the rear yard is required to be 10.5 m and the side yards 4.5 m. Since the proposed medical building will be connected to the Evel building via walkway, these yards have technically been eliminated. The reduction of the yards to 0.0 m can be supported since the impact on the Evel Building is negligible.

- Loading Spaces - Section 18A

  The Zoning By-law requires that two large loading spaces be incorporated into the development whereas one small space is being provided. The variance to the number and size of the loading spaces can be supported, since additional loading spaces are available on the hospital site. In addition, if extra loading facilities are required, the proposed parking spaces provided at the front of the building can be converted to loading spaces.

- Parking - Section 18A

  The by-law requires the development to accommodate 218 parking spaces on site. Since the medical complex will be located on lands that are under a long term lease, it is considered to be a separate parcel of land from the existing hospital. A large portion of the required parking spaces (195 spaces) will be provided on the hospital site instead of the medical complex lands and, therefore, a variance is required to permit this parking off-site. The variance can be supported since there is ample parking on the hospital site (1,600 spaces open to the public) to accommodate the parking needs of the medical centre (see attached letter). In addition, the hospital has verbally indicated that if additional parking is necessary, it can be provided.

- Parking Requirements - Section 18A

  The by-law requires that all parking lots with 5 or more car spaces are to be located 1.5 m away from a residential district, not within 6 m of the front lot line, and that a visual barrier between 1.2 m and 2.0 m in height and 1.5 m wide landscaped strip be provided between the parking lot and residential district. The intent of these provisions is to minimize the impact between residential uses and motor vehicles. Since this proposed development is not located adjacent to any dwellings and development is intended to form part of the hospital complex, the variances listed above can be supported.

- Parking on a Required Front Yard - Section 18A

  The by-law prohibits required parking in a required front yard. The intent of this by-law regulation is to ensure that the front yards of residential developments are maintained. There appears to be no impact on the surrounding institutional uses if parking is permitted in the front yard. As such, the variance may be supported.

- Ingress and Egres - Section 18A

  The Zoning By-law requires that all entrances and exits to a commercial development be located at least 3 m away from a residential district. Since the hospital and medical complex are located in residential districts the 3 m entrance/exit separations cannot be achieved. The variance is minor in nature and, therefore, may be supported.

4) Due to the size of the proposed development, it is appropriate to require that it be placed under Site Plan Control to ensure that the parking, loading, landscaping, etc. is adequate and functional.

CONCLUSION

Based on the foregoing, the proposal may be supported.

JH/dkp/ma
Attach.

WP 0021P



LEGEND

SITE OF THE APPLICATION

ZA88-23

APPENDIX A



LEGEND

LANDS TO BE ADDED TO SCHEDULE "A" OF SITE PLAN CONTROL BY-LAW 79-275, AS AMENDED BY BY-LAW 87-223.

ZA88-23

APPENDIX "B"

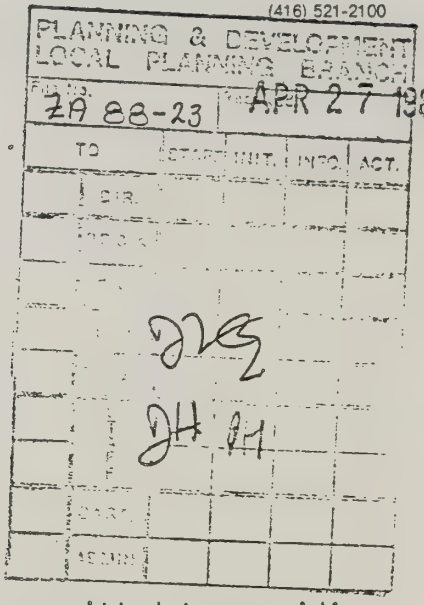
Chedoke-McMaster Hospitals

Operating Division
CHEDOKE HOSPITAL
Sanatorium Road, Hamilton
L8N 3Z5
(416) 521-2100

Box 2000, Station 'A', 1200 Main Street West, Hamilton, Ontario L8N 3Z5 (416) 521-2100

CHEDOKE-McMASTER IS A SMOKE-FREE HOSPITAL

Operating Division
McMASTER UNIVERSITY
MEDICAL CENTRE
1200 Main Street West, Hamilton
L8N 3Z5
(416) 521-2100



April 14, 1988

Dr. F. C. Smith
Chedoke Hospital Division
Patterson Building 3

Dear Doctor Smith:

Re: Parking for Physician Building

This is to confirm that Chedoke-McMaster Hospitals is committed to providing the necessary parking for the physician building located on the hospital property. The attached plan indicates the area and number of parking spaces available in the parking lot adjacent to the site of the physicians' building. We anticipate these spaces, plus the possibility of an additional parking area next to the Evel Building, should completely meet the demands.

Sincerely yours,

CHEDOKE-McMASTER HOSPITALS

R. C. Walker
President

Attachment
dz/sp/JF8813TC

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
MAY 12 1988
TO | INIT. | INFO. | ACT.
DIR.
P.P. & A.
DEV.
C.H.U.D.
STAFF
CART.

ID#0045D (38)

May 11, 1988

Refer to File No. E220-1305
Attention of T. L. Hearns
Your File No. ZA-88-23

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application 88-23 for a Modification to the "AA" district for lands on the west side of Sanatorium Road, south of Scenic Drive

Please be advised that public watermains are available to service the subject lands. Sanitary/storm sewers have not been installed in this area.

For the information of the applicant:

- We do not anticipate any further road allowance widenings at this time.
- Any work within the Sanatorium Road road allowance must conform to the City of Hamilton Streets By-Law.
- The plan(s) submitted appears to contain conflicting dimensions. The property line chainages are in metric but the site plan is scaled imperial. The plans must be changed to reflect consistent dimensions, preferrably metric.

We have reviewed these proposed accesses on location and advise that:

a) There are no vertical curves on this section of Sanatorium Road which would restrict motorist visibility at the proposed accesses;

b) There are horizontal curves on this section of Sanatorium Road which today does not present a visibility obstruction since vegetation adjacent to the road allowance appears to be sod only. At such time as detailed site plans are submitted for our review, we will determine whether the existing bus shelter at the north end of the subject lands should be relocated to provide for increased visibility. There does not appear to be a major problem based on the plans submitted;

c) At the present time there is a gradual slope down to the north and west of approximately 1.5m to 3.0m. We advise at this time that the grade of the access driveways within the road allowance is not to exceed 3%.

K. A. Brenner

TLH:lj

FOR ACTION

31.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 7

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: ZA-88-25

SUBJECT:

Request for a modification to the established "JJ" (Restricted Light Industrial) District - 2783 Barton Street East to permit limited commercial uses within the existing industrial building.

RECOMMENDATION

a) That approval be given to an amended Zoning Application ZA-88-25, Catharine Dillon, and Patricia Vassallo, owners, for a modification to the established "JJ" (Restricted Light Industrial) District regulations for property at No. 2783 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement.

i) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

i) That in addition to the uses permitted in Section 16A(1) of By-law No. 6593, the following uses shall be permitted within the existing building with a maximum retail sales area of 50% of the gross leasable floor area:

	S.I.C. IDENTIFICATION
Household Furniture Store (with Appliances and Furnishings)	- 6211

	S.I.C. IDENTIFICATION
Household Furniture Store (without appliances and furnishings)	- 6212
Appliance, Television, Radio and Stereo Store	- 6221
Floor Covering Store	- 6231
Drapery Store	- 6232
Industrial Machinery and Equipment Rental and Leasing	- 9911
Other Machinery and Equipment Rental and Leasing	- 9919
Computer Services	- 7721
Computer Equipment Maintenance and Repair	- 7721
Tire, Battery, Parts and Accessories Store	- 6342

ii) That the following commercial uses be permitted:

Offices of Architects	- 7751
Offices of Engineers	- 7752
Management Consulting Services	- 7771
Customs Brokers	- 7794
Chartered Banks	- 7021
Trust Companies	- 7031
Local Credit Unions	- 7051
Caterers	- 9214
Medical Laboratories	- 8681
Radiological Laboratories	- 8682
Combined Medical and Radiological Laboratories	- 8683

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-123 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123;

That the proposed change in zoning is in conformity with the Official Plan for the Hamilton planning area.

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "JJ" (Restricted Light Industrial) District regulations applicable to property at No. 2783 Barton Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit in addition to the established "JJ" (Restricted Light Industrial) District uses, the following commercial uses within the existing building with a maximum retail sales area of 50% of the gross leasable floor area:

	S.I.C. IDENTIFICATION
Household Furniture Store (with Appliances and Furnishings)	- 6211
Household Furniture Store (without appliances and furnishings)	- 6212
Appliance, Television, Radio and Stereo Store	- 6221
Floor Covering Store	- 6231
Drapery Store	- 6232
Industrial Machinery and Equipment Rental and Leasing	- 9911

	S.I.C. IDENTIFICATION
Household Furniture Store (without appliances and furnishings)	- 6212
Appliance, Television, Radio and Stereo Store	- 6221
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Customs Brokers	- 7794
Chartered Banks	- 7021
Trust Companies	- 7031
Local Credit Unions	- 7051
Caterers	- 9214
Medical Laboratories	- 8681
Radiological Laboratories	- 8682
Combined Medical and Radiological Laboratories	- 8683

APPLICANTS

Catharine Dillon, Patricial Vassallo, owners.

LOT SIZE AND AREA

A triangular-shaped parcel of land having:

- 55.06 m (180.66 ft.) of lot frontage on Barton Street East;
- 48.768 m (160.00 ft.) maximum of lot depth; and,
- 1,216.79 m^2 (13,007.85 sq. ft.) approximately of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands		
	Vacant industrial building	"JJ" (Restricted Light Industrial) District
Surrounding Lands		
to the north	Hydro power line corridor, industrial buildings	"JJ" (Restricted Light Industrial) District
to the south	An apartment building and vacant land	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Hydro power line corridor, T. Eaton Company warehouse and industrial uses	"JJ" (Restricted Light Industrial) District
to the west	Industrial and commercial uses	"JJ" (Restricted Light Industrial) District and "JJ" (Restricted Light Industrial) District

OFFICIAL PLAN

Designated "Industrial" on Schedule "A", the Land Use Concept Plan of the Official Plan, and located within SPECIAL POLICY AREA 11 on Schedule "B" - Special Policy Areas of the Official Plan. Within Special Policy Area 11, Light Industrial uses are permitted, as set out in the Light Industrial category of Subsection A.2.3 Industrial Uses (Policy A.2.9.3.9) The following policies apply to the proposal:

A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidential to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristrics or functional requirements similar to Industrial;

iv) All uses which, in the opinion of Council, compliment and do not interfere with, or detract from, the primary function of the area.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities; communication facilities; and printing and publishing plants.

A.2.3.15 In addition, ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.

A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3.

Based on the policies listed above and the type of commercial uses proposed, the application complies with the intent of the Official Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

  "A dry cleaning establishment is a permitted use under Section 16A(1)(b) of Zoning By-law No. 6593. A Wholesale establishment is a permitted use under Section 16A(1) (eca) of Zoning By-law No. 6593. All other potential uses are not permitted under Section 16A(1) and are considered "Commercial Uses".

  It may be beneficial to categorize the potential uses into more general uses such as listed in Section 18A, parking requirments (Table 1) for commercial use."

- The Traffic Department has advised that:

  "The application to modify the existing zoning to permit 100% commercial is satisfactory, subject to the condition that the parking requirements for commercial uses stated in Zoning By-law 6593 can be met."

- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains as well as storm and sanitary sewers are available to service the subject lands.

  For information of the subject:

  - we do not anticipate any further road allowance widenings at this time;

  - any work within the adjacent road allowance must conform to the Region's Roads Use By-law;

  - comments from the City of Hamilton Traffic Department should be taken into consideration with respect to the access, etc.;

  - the future widening and reconstruction of Barton Street may include raised concrete median islands which may restrict access to the lands."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. As a result of a meeting with the applicants' agent, it was agreed to proceed with an amended application. The list of proposed uses have been narrowed down to the following uses and have been assigned the appropriate Standard Industrial Classification Manual Identification numbers for ease of identification:

   i) The following uses having a mix of 50% commercial and 50% industrial shall be permitted:

	S.I.C. IDENTIFICATION
Household Furniture Store (with Appliances and Furnishings)	6211
Household Furniture Store (without appliances and furnishings	6212
Appliance, Television, Radio and Stereo Store	6221
Floor Covering Store	6231
Drapery Store	6232
Industrial Machinery and Equipment Rental and Leasing	9911
Other Machinery and Equipment Rental and Leasing	9919
Computer Equipment Maintenance and Repair	7721
Tire, Battery, Parts and Accessories Store	6342

   ii) The following commercial uses be permitted without restriction on floor area:

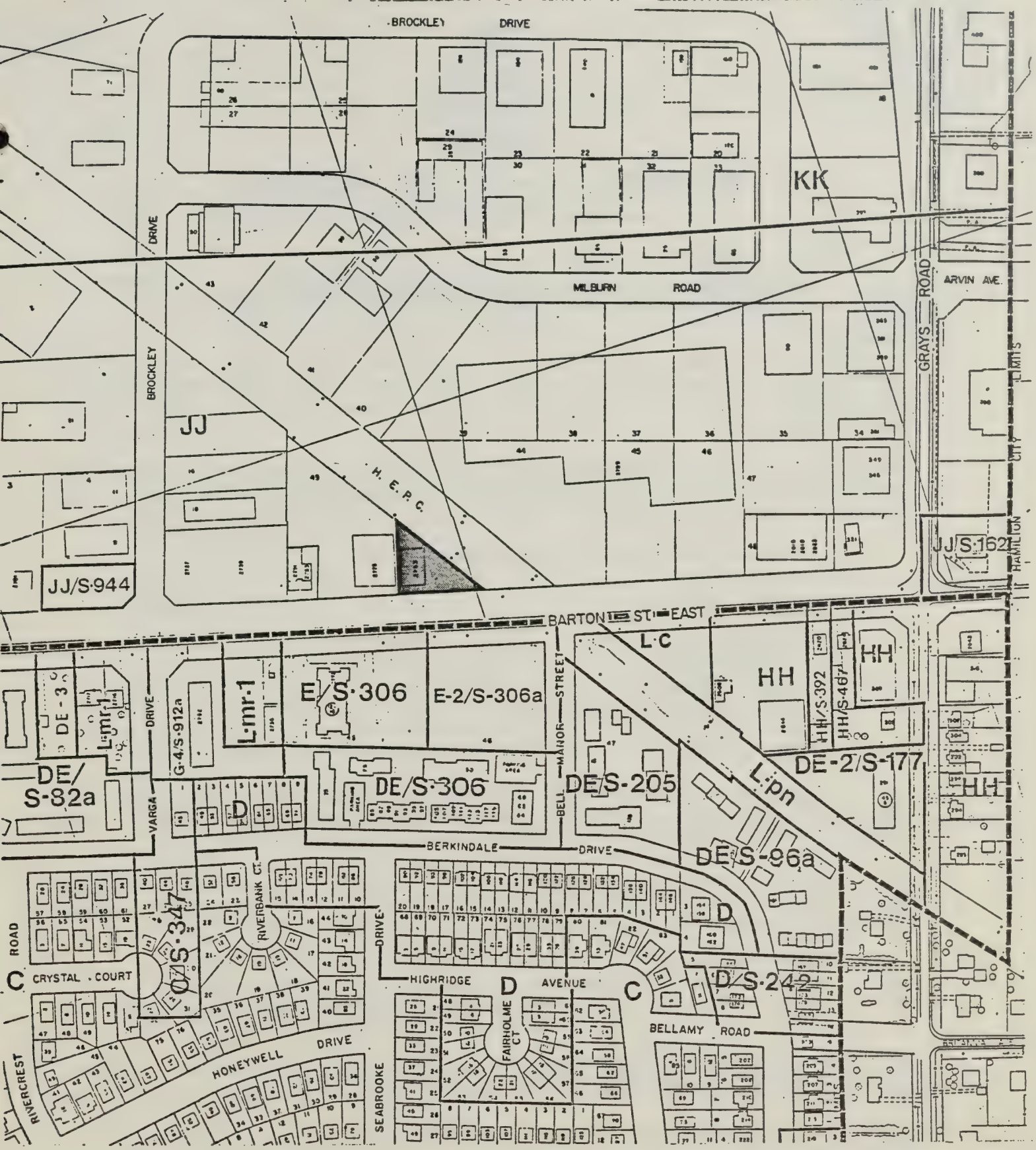
Offices of Architects	7751
Offices of Engineers	7752
Management Consulting Services	7771
Customs Brokers	7794
Chartered Banks	7021

Trust Companies	-	7031
Local Credit Unions	-	7051
Caterers	-	9214
Medical Laboratories	-	8681
Radiological Laboratories	-	8682
Combined Medical and Radiological Laboratories	-	8683

CONCLUSION

An amended application to permit a 50/50 mix of commercial with warehousing or wholesaling uses or uses which individually complement or serve the needs of the industrial park can be supported and would be acceptable.

GAW:CS
Attach.
0157P



LEGEND

SITE OF THE APPLICATION

ZA-88-25

APPENDIX A

ZA-88-25

PLANNING DEPARTMENT FILE # .....

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from C. DILLON and P. VASSALLO, owners, for a modification to the established "JJ" (Restricted Light Industrial) District regulations for property at No. 2783 Barton Street East, as shown on the attached map.

The purpose of the proposed modification is to allow in addition to the uses permitted under the "JJ" District regulations, the following commercial uses within the existing building.

- o business and professional persons office,
- o medical labs,
- o retail stores,
- o bank,
- o wholesalers,
- o banquet hall,
- o funeral home,
- o personal service shops.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall, on Wednesday June 15, 1988 at 3:15 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Commitee

For inquiries, please call
Planning and Development Department
City Hall - 526-4445

/ma
May 27, 1988

32.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 16

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: ZA-88-27
THORNER
NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District - 1322 Upper Sherman Avenue and 634 Limeridge Road East, to permit a gas bar/convenience store use on this site.

RECOMMENDATION

That Zoning Application ZA-88-27, David John Armstrong, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified, for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road, as shown on the attached map marked as APPENDIX "A" be denied for the following reasons:

- The proposal does not comply with the Official Plan.
- The proposal does not comply with the approved Thorner Neighbourhood Plan.
- The proposal would be incompatible and out of character with existing and proposed low density housing in this area.
- City Council are on record of denying similar applications to permit commercial uses on lands at both the south-east and north-east corners of Upper Sherman Avenue and Limeridge Road East, and there are no new planning reasons to justify any change.
- There is an adequate supply of commercially zoned and designated lands in this area to serve the needs of the present and future inhabitants.
- Approval of the application could establish an undesirable precedent and set the stage for future similar applications along the arterial roads in this area.

- Due to its close proximity to the proposed mountain freeway lands, access to this site may be restricted in the future thereby creating possible traffic conflicts.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to rezone the land at the south-west corner of Upper Sherman Avenue and Limeridge Road East as shown on the attached map marked as APPENDIX "A" from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to permit a gas bar and convenience store use.

APPLICANT

David John Armstrong, owner.

LOT SIZE AND AREA

- approximately 46.817 m (153.59 ft.) of lot frontage on Limeridge Road East;
- 50.960 m (167.19 ft.) of lot flankage on Upper Sherman Avenue; and,
- approximately 3,018 m^2 (32,486.5 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
To the North	single-family dwelling	"C" (Urban Protected Residential, etc.) District.
To the South	vacant land and the Mountain Freeway lands	"AA" (Agricultural) District
To the East	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District
To the West	a church and a single-family dwelling	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" the Land Use Concept Plan of the Official Plan and subject to the following policies:

2.1.1 "The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings . . ."

2.1.3 Within the areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

Based on the policies listed above, the gas-bar component of the application does not comply with the intent of the Official Plan. However, the convenience store alone would comply with the intent of the plan, and be subject to the Local Commercial policies of the Official Plan. If the application is approved a site specific redesignation would be required to permit the gas-bar component of the proposal.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" on the approved Thorner Neighbourhood Plan, the proposal conflicts.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee staff have no comments.

- Hamilton-Wentworth Engineering Deparment has advised that: "public watermains as well as sanitary and storm sewers are available to service the subject lands.

  The designated road allowance width of Upper Sherman Avenue is 30.48 m (100 ft.), of Limeridge Road is 26.21 m (86 ft.) as well as a 12.19 x 12.19 m (40 x 40 ft.) daylight triangle from the widened limits. As a condition of approval, we recommend that:

  1) Sufficient lands be dedicated to the City of Hamilton to establish the property line 13.11 m (43 ft.) from the centreline of the original Limeridge Road road allowance;

  2) Sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 ft.) from the centreline of the original Upper Sherman Avenue road allowance;

  3) Sufficient lands be dedicated to the Region for road widening purposes to establish a 12.19 m x 12.19 m (40 x 40 ft.) daylight triangle at the widened south west angle limits of this intersection.

Any work within the adjacent road allowances must conform to the respective Streets By-laws.

Comments from the Transportation Corridor Project Office should be obtained and taken into consideration as the subject lands are just north of the proposed freeway. Ultimately, the intersection of Upper Sherman and the Mountain Freeway will be graded separated. Due to the grade changes, we recommend that access to the subject lands be on Limeridge Road only."

- The Traffic Department has advised that: The approved Neighbourhood Plan for this area designates the subject lands for attached housing. It is our understanding that future access to the subject lands may be limited to Limeridge Road only, as a result of the future grades of Upper Sherman Avenue related to the construction of the Mountain Freeway. We suggest that the details regarding access to Upper Sherman Avenue be reviewed with the Freeway Project Office.

- The Freeway Transportation Corridor Project Office has advised that: The long term intent is to grade separate Upper Sherman Avenue at the proposed Mountain Freeway. In this regard, approach fill will be required. To accommodate this fill, additional lands may be required from this property, but the exact limits cannot be determined at this time. Therefore, approval of the application would be considered premature until such time as the fill limits are known. Notwithstanding the foregoing, access to the site is likely to be restricted to the Limeridge Road East frontage.

COMMENTS

1. The proposal to provide for a convenience store with a gas bar component does not comply with the Official Plan.

2. The proposal conflicts with the intent of the approved Thorner Neighbourhood Plan.

3. The application cannot be supported for the following reasons:

    - The proposed use would be incompatible and out of character with existing and proposed low density housing in this area;

    - City Council are on record of denying similar applications to permit commercial uses and an automobile service station use on lands at both the south-east and north-east corners of Upper Sherman Avenue and Limeridge Road East (ZA-83-62 and ZA-81-32) and there are no new planning reasons to justify any change;

    - There is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

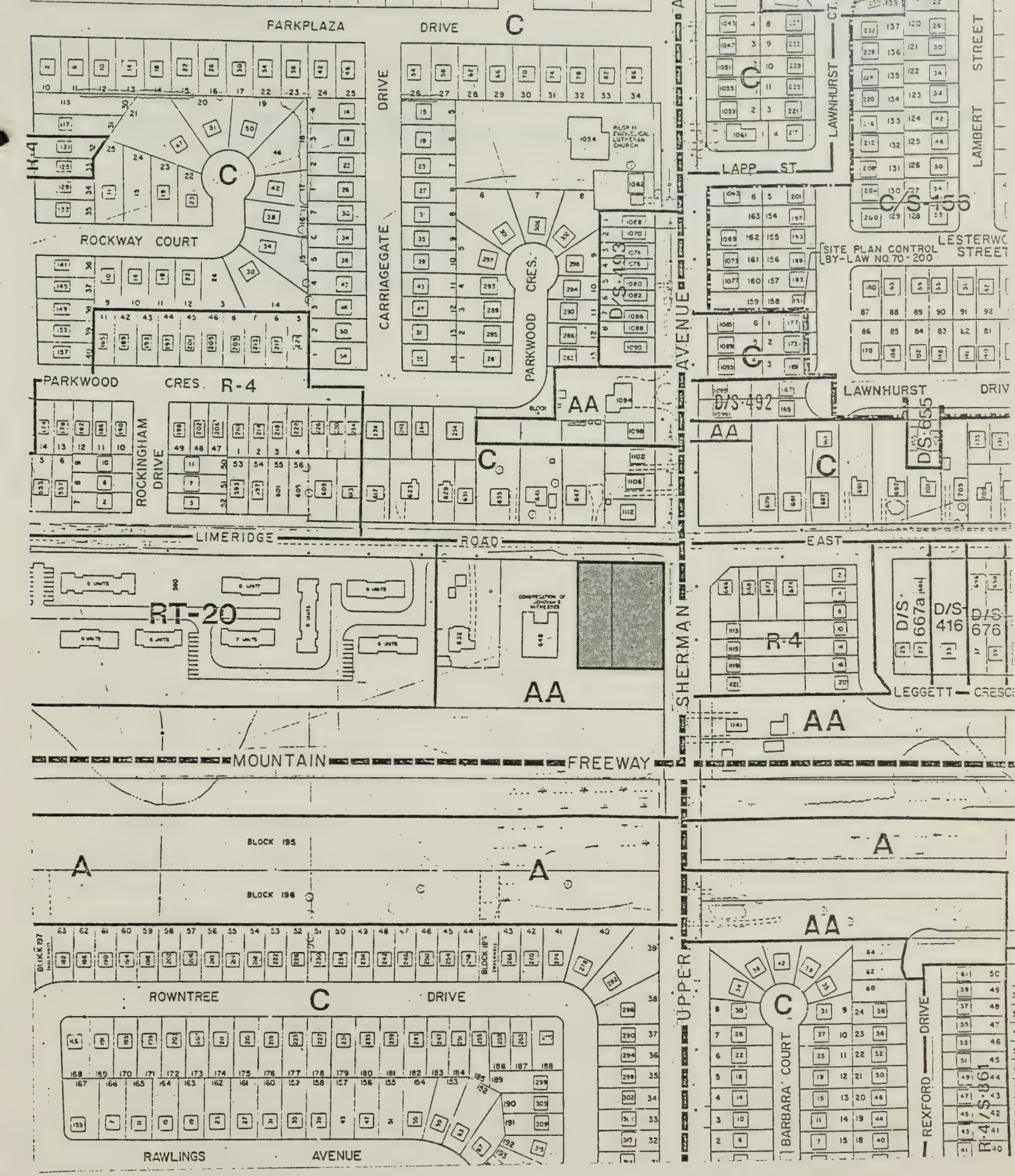
    - Approval of the application could establish an undesirable precedent and set the stage for future similar applications along the arterial roads in this area;

    - Due to its close proximity to the proposed mountain freeway lands, access to this site may be restricted in the future thereby creating possible traffic conflicts.

CONCLUSION

On the basis of the foregoing, the application should be denied.

GW/dkp
WP 0021P



LEGEND

SITE OF THE APPLICATION

ZA-88-27

APPENDIX A

FOR ACTION

33.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 6
COMM FILE:
DEPT. FILE: P5-2-47

FROM: V. J. ABRAHAM
DIRECTOR OF LOCAL PLANNING

D. VYCE
DIRECTOR OF PROPERTY

SUBJECT:

Cochren Construction site
Greenhill Avenue, Gershome Neighbourhood

RECOMMENDATION

a) That the City not acquire the subject lands through 5% parks dedication or directly through gift for a tax receipt.

b) That the City request the owner of the subject lands to negotiate with the Province for funding the public acquisition.

V. J. Abraham, M.C.I.P.
Director of Local Planning

for D. Vyce
Director of Property

FINANCIAL IMPLICATIONS

N/A in accordance with recommendation.

BACKGROUND

- Don May, Planning Consultant on behalf of Cochren Construction appeared before the Planning and Development Committee on February 10, 1988 with a proposal for transfering the subject lands to the City. Staff were requested to report back. After meetings with Don May, the letter (Appendix 1) was received stating Cochren Construction's position.

- The Cochren lands (Map 1) were zoned for single family residential prior to the Niagara Escarpment Planning and Development Act coming into force in 1973.

- Since that time the owner has been unsuccessful in either receiving approvals for development or selling the property to a public agency for development value.

- In February 1987 the owner called off a Niagara Escarpment hearing to consider a proposal for eight lots. In April 1988 the owner called off a further hearing to change the Niagara Escarpment Plan to allow residential development.

- Both the Hamilton Official Plan and the Neighbourhood Plan designate the lands for open space and would need changes before development could proceed.

ANALYSIS

- The owner is requesting:

  (1) that 1.2 acres be given to the City instead of 5% cash in lieu for parkland for subdivisions currently being processed in the neighbourhood; and,

  (2) that 1.4 acres be given to a public agency as a gift for a tax receipt (Map 1).

- This would in effect cost the City about $85,000 from the 5% parkland fund. The owner has proposed that the 5% dedication be for subdivision only under Section 50 of the Planning Act. Further 5% parkland cash in lieu would be payable prior to the issuance of building permits under Section 41 of the Planning Act. This will amount to about $315,000.

- The Province have indicated that they have identified the Cochren lands as a potential access park and are prepared to provide funds through the Ontario Heritage Foundation for the City to acquire (Appendix 2).

- According to the Niagara Escarpment Official Plan the subject lands could be developed for one single family house. This would mean that if all other approvals were received, the value of the lands would be in the region of $125,000.

CONCLUSION

Since:

1) The Province is prepared to fund the acquisition of the land.

2) It appears likely that the acquisition could take place in the near future.

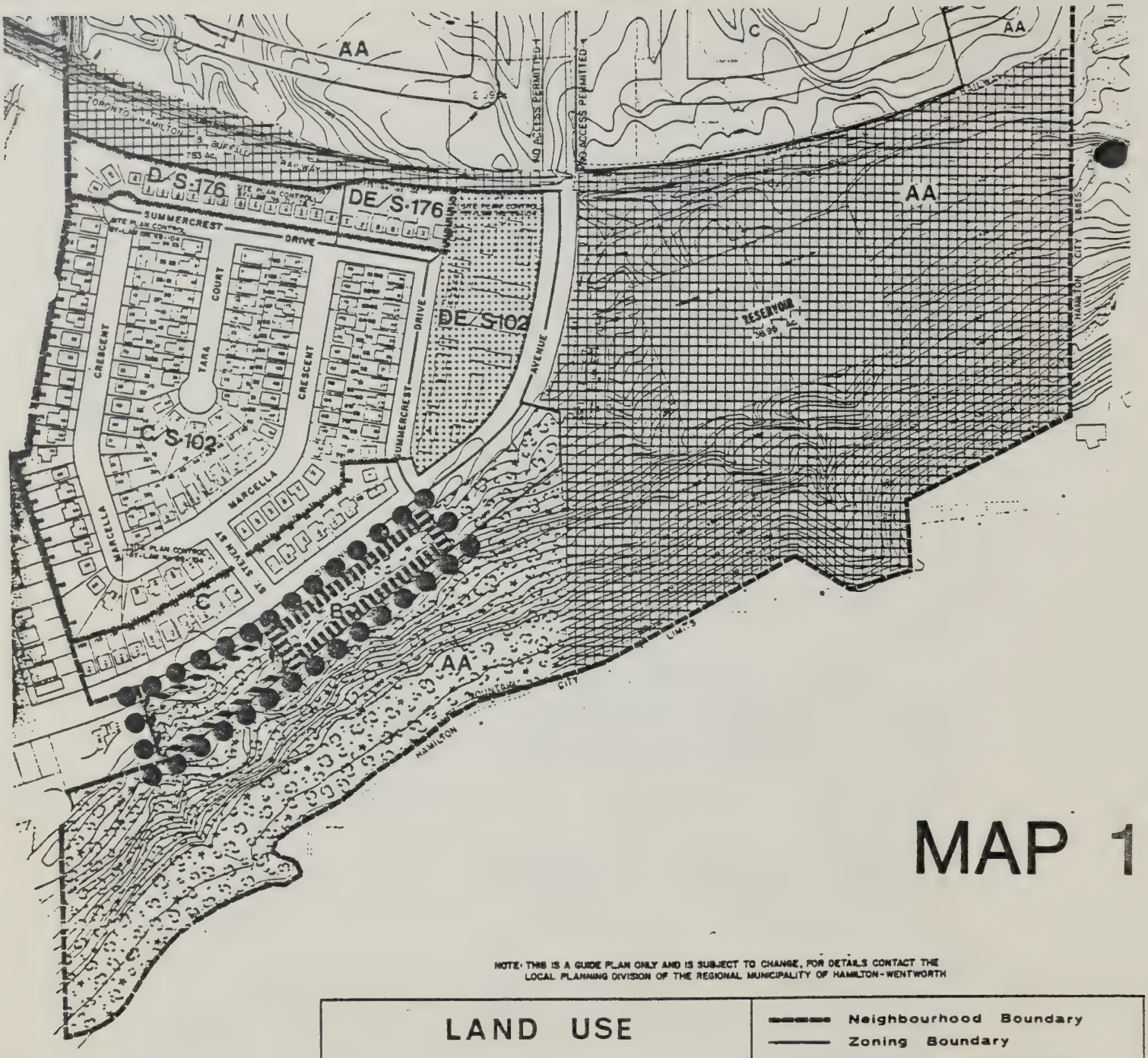
3) It would cost the City $85,000 to conform with the owners request.

4) The City can obtain the lands without expenditure or depletion of the 5% park fund.

The City should allow negotiations for sale and gifting to take place between the Province and the owner.

DG/dkp
Attachs.

WP 0021P



MAP 1

NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE, FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

● ● ● COCHREN LANDS

▬▬▬ 1.2 ACRES ± FOR 5% PARK DEDICATION

▮▮▮▮▮▮▮▮▮ 1.4 ACRES ± FOR DEEDING AS A GIFT

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary

Zoning Boundary

Staging of Development Boundary

Approvals

Planning Comm. APRIL 9, 1986 Council APRIL 29, 1986

Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

GERSHOME
APPROVED PLAN

NORTH

SCALE IN FEET

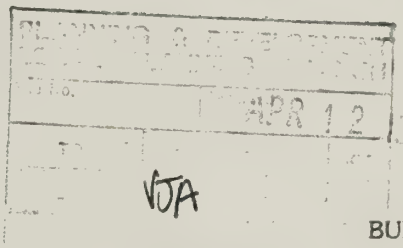
MAY, PIRIE & ASSOCIATES LIMITED
LAND USE PLANNING CONSULTANTS

APPENDIX 1

DONALD F. MAY, M.C.I.P.
W. MORGAN PIRIE, B.E.S.
Associate
Nancy Giles, M.Sc. (Pl), M.C.I.P.

TELEPHONE (416) 632-4066
Oakville 847-0466
Hamilton 544-4870
FAX (416) 632-9528
3310 SOUTH SERVICE ROAD
BURLINGTON, ONTARIO L7N 3M6

April 11, 1988
File No. HW-H-02A



VOA

DB 824

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4



ATTENTION: R. BUCKLE
REAL ESTATE DEPARTMENT

Dear Sirs:

RE: COCHREN - GREENHILL NEC

On behalf of Cochren Construction, we are prepared to deed 1.2 acres for a credit of the parkland monies due under Section 50 of The Planning Act, 1983, for the two subdivisions in Gersholme Neighbourhood.

If this is acceptable to the City, we will further undertake to gift the remaining 1.4 acres to a public agency for a tax receipt.

This agreement can be made by making the appropriate changes to the pending subdivision agreement for the final subdivision.

We appreciate your assistance in this matter.

Should you require any further information or assistance, please contact our office.

Yours very truly,

MAY, PIRIE & ASSOCIATES LIMITED

Donald F. May, M.C.I.P.

DFM/jlp

cc: David Godley
Cochren Construction

APPENDIX 2

10670 Yonge Street
Richmond Hill, Ontario
L4C 3C9

May 12, 1988

DGM

Mr. D. Godley, Manager
Neighbourhoods Section
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Godley:

SUBJECT: Cochren Lands - Greenhill Avenue

The above lands have been recommended as a Niagara Escarpment Access Park by both the Hamilton Region Conservation Association and the Bruce Trail Association.

If a discussion was made to acquire the lands, an appraisal would be required. Subject to the value of the lands and the availability of funds in the 1988/89 land acquisition program the lands could be acquired immediately.

Based on your estimate of the costs, there would be no problem including them in this year's program.

Yours truly,

Ken G. Higgs
Niagara Escarpment Coordinator
Central Region

(416) 883-3220

KGH/cp

34a

M E M O R A N D U M

TO: Members of the Planning and Development Committee
FROM: Citizens Advisory Committee, Corktown-Stinson (Ontario Neighbourhood Improvement Program)
SUBJECT: Committee's involvement in ONIP
DATE: June 15, 1988

I Overview

Citizen participation in the Corktown and Stinson neighbourhoods has suffered a serious setback as a result of the above-noted Committee's experience in the recent ONIP.

Members of the Committee feel that their time and efforts have been wasted. The process in which they took part was a charade of public participation. They feel badly used.

This ONIP began with high hopes. About 100 residents of the two neighbourhoods turned out in October 1986 to an information meeting at First Pilgrim United Church on Main Street East. They clearly saw ONIP in the context of its stated purpose: "... as a catalyst in the ... revitalization of older neighbourhoods ...".

Those residents voted for two-thirds of the Committee. They entrusted the Committee to carry our ONIP in two of the oldest, and neediest in terms of revitalization, in the city. Unfortunately, the Committee cannot report back to them - Mission Accomplished.

Our mission is not accomplished, our function is not finished, contrary to the opinion of the Department of Community Development. That Department, by its actions and inactions, has not allowed our Committee to carry out its essential task: to participate in a process by which $900,000. is expended in our neighbourhoods.

Specifically, the Department:

- either miscalculated the implementation period of the ONIP or was negligent in its initiation.
- Assigned staff who were by its own admission inexperienced with ONIP.
- Did not follow its own regulations in the conduct of meetings with the Committee.
- Acted arbitrarily in the ending of the Committee's role.
- Continues to act arbitrarily-indeed quite irrationally-in the priorization and realization of projects funded by ONIP funds.

The Citizen's Advisory Committee has only one wish: to complete its assigned task. This could be done with: 1. an accounting of funds remaining; 2. an accounting of what has been done so far with ONIP funds in the neighbourhoods; and 3. the reopening of the process to allow for further deliberations by our Committee. The Committee feels that two or three more meetings would be needed to complete its mandate.

II Chronology

A. July 30, 1986: Aldermen McCulloch and Agro send letter outlining ONIP. Questionnaire determining "problems and needs" of neighbourhood sent to residents.

B. October 20, 1986: Neighbourhood residents elect two-thirds of Citizen's Advisory Committee.

C. Early January 1987: Membership of ONIP Citizen's Advisory Committee announced.

D. February 2, - April 30, 1987: Several meetings held: role of Committee reviewed; results of questionnaire discussed; a "neighbourhood profile" provided; goals/principles devised.

E. May 11, 1987: Ald. Agro apologizes to committee for "an oversight on part of the staff." Province needs Community Improvement Plan much sooner than thought. Ald. Agro says two staff persons assigned to committee "unfamiliar with the ONIP process. "This is why, staff person says, "it (deadline) snuck up on us."

F. July 6, 1987: Public meeting for Community Improvement Plan.

G. September 14, 1987: Staff inform Committee that they need no longer meet on a regular basis; only necessary to meet as specific ONIP projects progress. She suggests that neighbourhood association take over from committee.

H. Septemver 30, 1987: Letter from William West Q.C. to Aldermen saying that the Committee's mandate is incomplete. It did not participate in the allocation of funds; asks for meeting.

I. November 9, 1987: Meeting at City Hall between Committee and officials of the Department of Community Development. Committee asks for two or three more meetings to complete ONIP process and repeats request to participate in allocation of funds. No resolution.

J. December 22, 1987: Advisory Committee letter to E. W. Kowalski declining invitation to meeting to review "design concepts and detailing plans." Committee says focus of the meeting is too narrow.

K. December 29, 1987: Memo from E. W. Kowalski to Advisory Committee reminding it that it is an "advisory committee only," and that it has no decision-making power over allocation of funds.

L. January 9, 1988: "Neighbourhood Committee pops its cork." - Spectator headline.

M. January 27, 1988: Advisory Committee meets Mayor Morrow in his office. Mayor indicates understanding of Committee's position and promises to look into.

N. Early April 1988: Mayor Morrow advises committee member that committee's concerns should be taken to P & D Committee.

II Issues and Positions

There are two main issues between the Advisory Committee and the Community Development Department: the extent of the committee's involvement in the planning of the actual projects; and the extent of the Committee's involvement in the allocation of funds according to the size and priority of these projects.

Here, in outline, are the positions on these issues in outline form of the stakeholders:

A. Citizen's Advisory Committee: The Committee feels that due to staff ineptitude, bureaucratic arrogance, and political indifference it is being denied anything like the participation it was meant to have in this ONIP.

Because of the need to radically speed up the process of project development the projects that did emerge lear little relation to the committee's intention. Moreover, they are concentrated entirely in five neighbourhood parks. Everything else in the neighbourhoods, the streets, the community services, trafic, etc., has been ignored.

The committee's role is part of a planning process. It is inconceivable such planning can be carried out if its participants are kept in the dark about allocation of funds. No one asked for sole decision-making power over funds. We asked only to participate in the process. How could we be expected to set priorities and areas of emphasis if we did not have a clue as to what amounts of money were to be allocated where?

E. W. Kowalski, Director, Department of Community Development:

His view is that the Committee's role is "advisory only." It has no decision-making power over allocation of funds. When

the Community Improvement Plan was finished so was the committee's role.

Larry Petovello, Ministry of Municipal Affairs:

He has written that public notice and public involvement procedures for ONIP were followed.

Document "Pride in Your Community":

Under "Municipal eligibility criteria" (IV) it says the municipality must "undertake to involve the residents during the preparation of the community involvement plan."

Comment: It seems to the Committee that the Department of Community Development is making its case on the "letter of the law." But the written descriptions of public participation in ONIP are largely non-specific. The authorities seem to have left a good deal of latitude to the municipalities in their particular ONIP processes. In this case, a narrow legalistic interpretation has been given to public participation - so narrow as to make this participation pointless, a charade.

The Committee has stated, and repeats, that the truncation of the process was not its fault. It therefore seems reasonable to request some extension to the process to make up for what was after all staff ineptitude.

III A Way Forward?

The committee feels that the present impasse could be left behind if it were to have further imput into the project planning of our ONIP and into allocation of funds for the various planned projects. The only visible results of the ONIP to date are in the area of Central Memorial Recreation Centre. These works bear little relation to the discussions the committee had about the Centre.

It is moreover our understanding that this project was begun without even one day's prior notice to the Centre's staff, let alone the residents who use the facility. This project bears the unmistakeable stamp of the Department's role in this ONIP: arbitrariness, last minute scurrying around, mindlessness. The committee suggests consideration be given to the following additions and/or alternatives to what it understands are the present ONIP projects:

1. Carter Park: the park should be in the Centre's parking lot and other space surrounding it.

2. Lighting improvements should be made along Hunter and Jackson streets in Corktown. Plantings and street furniture should be deployed along these streets to create on them an urban context for further improvements.

3. Passive walks: Walnut-to-Victoria along the train tracks: plantings, improve lighting. Lane north from Hunter, parallel to East: flower boxes, signage. Lame between Emerald and Wellington: make exclusive pedestrian walkway, plantings, signage.

4. Wolverton Park: simplify existing design.

5. Provide seed money to Corktown/Stinson neighbourhood Association.

6. Create consortium (Y.M.-Y.W.C.A., First Pilgrim United Church, Catholic Social Services, etc.) for unified approach to outstanding social needs: single-parent families, elderly, unemployed, psychiatrically disabled, etc.

7. Increase volunteer crossing guards around Central Memorial.

8. Initiate a study/survey with the view to creating more and more accessible recreational space in the neighbourhoods with the introduction to residential side streets of the Woonerf concept.

Neighborhood committee pops its cork

By LYNDA POWLESS
The Spectator

FED UP with what one calls the "arrogant attitude of a hick town council," members of Corktown and Stinson Neighborhood Improvement Program plan to ask Mayor Bob Morrow to help get their voices heard at city hall.

And if that doesn't work, "we'll go to our MPP and the province," said Dan Glover, member of the improvement program committee.

"We're frustrated and fed up with the arrogant attitude of the aldermen working on this improvement project and a bureaucratic staff that is not prepared to respect our dignity as a committee," he said.

Mr. Glover said the committee has been working to find ways to stretch $900,000 in provincial program funds to improve the overall appearance of the two neighborhoods, while the city is "only interested in fixing up the parks."

The $900,000 is being spent on improvements to the Central Memorial Recreation Centre ($250,000), Carter Park ($350,000), Wolverton Park ($200,000), and the remaining $100,000 on Bishop and Corktown parks.

Ward 2 Alderman Vince Agro, in whose ward both neighborhoods are located, said he understood the residents' complaints centred around their wanting to make improvements not covered by the provincial Neighborhood Improvement Program.

"The program is for physical improvements like park improvements," he said. "If you want a traffic light fixed or prostitutes moved out of your neighborhood, that doesn't fall under this program."

David Cohen, NIP committee member, said the city is trying to stonewall the groups.

"It is our neighborhood and this is supposed to be an exercise in participatory democracy, but our participation part got short-circuited."

Added committee member Francois Roesch, "It's not a neighborhood improvement project anymore, it's a parks improvement project."

Mr. Glover, Mr. Cohen and Mr. Roesch are among 15 people from the Corktown and Stinson neighborhoods on the NIP citizens' advisory committee. The program is a joint municipal and provincial program aimed at preserving and developing older residential neighborhoods.

Corktown, one of Hamilton's oldest communities, is the area between Wellington and James streets with Main Street on the north and the Mountain on the south. Stinson stretches between Wentworth and Wellington streets and between Main and the Mountain.

Mr. Glover said the committee wants "to improve the parks, the streets and do as much as we can with that money to beautify the entire neighborhood ... but the aldermen and staff don't want to listen to us."

Mr. Glover said Mr. Agro and fellow Ward 2 Alderman Bill McCulloch haven't attended meetings and dealt with residents concerns and city staff was trying to intimidate the groups by cancelling an upcoming meeting.

"I'm ticked off at this unbelievable, arrogant attitude, of a hick town city council in a fine city like Hamilton and the treatment they give their citizenry," he said.

Mr. Agro said he and Mr. McCulloch have attended "almost all their meetings up to the point where the plan was approved almost three months ago."

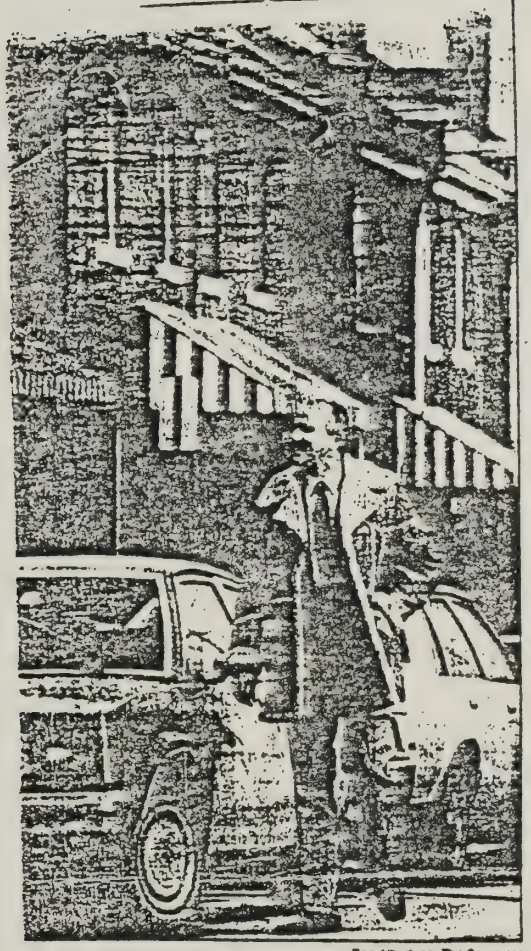
He said a plan called for park improvements, "and the committee decided it wanted to keep on meeting as a neighborhood group to discuss other problems."

He said it would be "foolish for us to try to attend every meeting of every group who is getting together to work out their own squabbles and neighborhood politics."

Mr. Glover said the committee sent a letter to Ed Kowalski, director of community development, threatening to boycott a meeting this Thursday.

"We asked them to change the focus of the meeting from strictly discussing park improvements to looking at what else we can do. They refused to do that and have cancelled the meeting and from the spirit of the letter we just received, cancelled our committee," he said.

Mr. Kowalski confirmed he cancelled the meeting, "since that's what their letter seemed to be asking for," but refused to comment further.



Ron Albertson, The Spectator

...ittee member Dan Glover says his group is fed up at lack of progress

FOR INFORMATION 34b.

REPORT TO:

Planning and Development Committee

FROM:

Mr. E.W. Kowalski, Director
Community Development Department

DATE: 1988 May 30
COMM FILE:
DEPT FILE: 800-0606

SUBJECT:

Corktown Stinson Ontario Neighbourhood Improvement Programme (O.N.I.P.); Citizens' Advisory Committee

BACKGROUND

On 1986 June 17, the Ministry of Municipal Affairs allocated $450,000 to the City of Hamilton for the Corktown Stinson O.N.I.P. ($900,000 in total Provincial/Municipal contributions). Subsequently, a neighbourhood survey was mailed out to all of the residents of the two neighbourhoods to gather demographic information as well as determining social and recreational needs. To assist in the formulation of a Community Improvement Plan and establish priorities, a public meeting was held and a Citizens' Advisory Committee elected and appointed. Eight Advisory Committee meetings were held at which, the Committee members provided input and recommendations for this purpose, followed by another public meeting to allow the public to hear about the planned improvements and ask questions. On 1987 August 17, the Advisory Committee adopted the concept plans for all of the proposed improvements. It was at this point, after formulation of the plan and presentation to the public, that the Citizens' Advisory Committee mandate was achieved.

A subsequent meeting was held with the Committee members because of concern expressed by them to attempt to re-explain their original mandate.

In accordance with the Planning Act, 1983, the Ministry of Municipal Affairs outlines the Community Improvement Plan process attached as schedule "A". In a letter dated 1987 October 06 (attached as Schedule "B") the Ministry of Municipal Affairs confirms that the City of Hamilton did follow this required process.

Attached as schedule "C" is a copy of some of the information mailed and distributed to the neighbourhoods' residents and then to the Advisory Committee at a number of the early meetings (1986 October 20, December 03 public meetings and 1987 February 02, first Citizens' Advisory Committee meeting).

Throughout this entire process, both Alderman Agro and Alderman McCulloch were present at most of the Advisory Committee meetings as well as staff from Community Development, Public Works, Culture and Recreation, Local Planning and representatives from F. Basciano Landscape Architects.

The majority of the Community Improvement Plan landscaping and park redevelopment plans will be implemented in the summer of 1988. Construction contracts have already been awarded for this portion of the work. The remainder (Carter Park) will be implemented in 1989.

Provincial cash flow requirements necessitate implementation of the majority of the project this year. Delays and alterations at this stage could have repercussions on the Provincial allocation.

Attached as Schedule 'D' is a breakdown of expenditures and commitments for the Corktown Stinson O.N.I.P. as at 1988, June.

RECEIVED
APR 22 1988
CITY CLERKS

129 Emerald St. S.
Hamilton, Ontario
L8N 2V4

18 April 1988

The City Clerk
71 Main Street W.
Hamilton, Ontario.

Dear Sir:

This is to request that you place as soon as possible an item on the agenda of the Planning and Development Committee relating to a review of the recent Ontario Neighbourhood Improvement Program (ONIP) in the Corktown and Stinson neighbourhoods.

Mayor Robert Morrow suggested this course of action to a member of the Corktown/Stinson ONIP Advisory Committee. On January 27, 1988, a delegation of members of this committee met with the Mayor and discussed with him their dissatisfaction with the way the ONIP had been conducted in Corktown/Stinson.

Sincerely,

David Cohen
Member of the
Corktown/Stinson
Citizens Advisory Committee

SUGGESTED ADDITIONS AND/OR ALTERNATIVES TO PRESENT ONIP (CORKTOWN/STINSON) INITIATIVES

"Hard" Services

1. Carter Park: park should be in Central Memorial lot; parking across the street (Majority of children will not have to cross Stinson street; better use of CM)

2. Creating urban context: Hunter and Jackson Streets (lighting, sidewalk, planting)

3. Stinson Street (grass strip, northside sidewalk)

4. Passive walks: Walnut to Victoria along tracks (planting, lighting, walking/bike paths) Lane, north from Hunter parallel to East (flower boxes, signage). Lane west to Wellington.

5. Wolverton--simplify present plan

"Soft" Services

6. $1,000 seed money for Neighbourhood Association

7. Create consortium (YM-YWCA, Pilgrim, Cath. Soc. Svcs): unified approach to outstanding needs: single-parent families, elderly, unemployed.

8. Volunteer crossing guards around CM.

Important demographic facts about Corktown/Stinson

1. Single-parent families (approx. 20%)

2. Income: about 13% below $5000 (compared to about 7% for city)
   nearly 20% between $5000-$10,000 (compared to about 15% for city)

CENTRAL MEMORIAL RECREATION CENTRE

AREAS OF IMPROVEMENT

1. Improvements to pool

   a) painting (bright colours, possible mural on pool wall)

   b) Leisure equipment - slides, floats, etc.

   c) storage space and office - combine area on east side of pool to store equipment and office area for full time pool staff

2. New rooms - (back patio area)

   2 rooms lower level

   a) weight room

   b) multi purpose - karate - dance classes - exercise - mirrored one end

   Upper level one large room for meetings.

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   b) multi purpose - karate - dance classes - exercise - mirrored one end

   Upper level one large room for meetings.

December , 1987.

E.W. Kowalski
Director
Department of Community Development
P.O. Box 2040
Hamilton Ontario
L8N 3T4

Dear Mr Kowalski

This is to acknowledge receipt of a notice of a meeting of the Corktown-Stinson Ontario Neighborhood Improvement Programme (ONIP) for January 14, 1988. We feel we must object to the narrowness of this meeting's purpose--to review "design concepts and detailed plans ..." We are interested in Mr. Basciano's concepts and plans but we do not think that such a meeting would adequately meet the intent of Dan Glover's motion at the close of our meeting with you and other officials at City Hall November 9, 1987. Dan moved that another meeting be convened in view of the absence of both Aldermen and of the concerns expressed by members of our Committee.

The crux of these concerns was stated in a letter by William C. West, a member of our Committee, to Aldermen Agro and McCulloch. A copy was sent to you. Briefly our Committee feels that while we have set the broad direction for ONIP in our neighborhoods and have made recommendations for improvements, etc., we have not approved the allocation of the funds made available through the Programme. This last function we regard as essential, for it will allow us to give certain improvements greater or lesser emphasis, according to our collective judgement. Mr. West requested a meeting with you and your staff to address our concerns. That meeting, on November 9 revealed, as you know, fundamental differences between our Committee and you. Needless to say, our concerns were not allayed.

We believe that we have conducted ourselves responsibly as an ONIP Citizen's Advisory Committee. What's more, we have shown considerable patience and understanding with the difficulties (due, it seems, to inexperience) encountered by your department in administering our ONIP. We have made more than enough compromises in order that the Programme proceed. To make any more would be to fail to carry out our responsibilities to our fellow citizens.

We are willing to meet with you, and anybody else for that matter. But we do not think it would be helpful to attend the kind of meeting you have scheduled for January 14. Your department has written the agenda for every meeting so far; at the very least we insist on being consulted about a new agenda before it is written.

We are confident our differences can be resolved and that this project can go ahead to a successful conclusion.

Yours sincerely

Agostino Ammendolia
Debbie Benedict
David Cohen
Hal Costie
Stephen Csorbay
Gary Fair
Paul Gallina
Dan Glover
Ralph Lynch
Chris Morton
Margaret Parish
Penny Preston
François Roesch
Eric Swain
Carol Syer
Bill West

Citizens' Advisory Committee

c.c. Hon. John Eakin, Minister of Municipal Affairs
Mayor Robert Morrow
Audele Schimmel, Culture and Recreation Department
J. Gallagher, Alderman
Vincent Agro, Alderman
William McCulloch, Alderman
Joan Rapsavage, Citizens' Advisory Committee on Parks and Recreation

WILLIAM C. WEST, B.A., LL.B., Q.C.
BARRISTER, SOLICITOR, NOTARY PUBLIC

TELEPHONE
(416) 523-4131

180 WALNUT STREET SOUTH
HAMILTON, ONTARIO
L8N 2L9

September 30, 1987

Messrs. Vincent Agro and
William McCulloch
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Aldermen:

Re: Corktown Stinson Citizens' Advisory Committee
ONIP Programme

A meeting of the advisory committee was held last evening and a motion made unanimously that I advise you by letter of certain matters which have arisen with respect to the programme.

The committee understood their mandate to be as follows:

1. To set the direction of the programme.

2. To make recommendations on the improvements and to identify areas of concern.

3. To approve the allocation of funds.

The committee acknowledges that they have set the direction of the programme and through various meetings have made recommendations on improvements and have identified areas of concern.

The committee is of the view that their third function has not been fullfilled in that the allocation of funding has not been approved or authorized by the committee. It is further felt that any advancement of funds without the authorization of the committee is without proper authority pursuant to the mandate of the province.

As a member of the committee, and being in a position to correspond readily with you, I was asked to send this letter. I should draw to your attention that members of the committee have worked very hard and responsibly as citizens of the area to see that the end product reflects their contribution.

..../2

I have been requested to ask for a meeting with you and your staff to clarify matters, so that the concerns of the committee members who have given freely of their time, can be properly voiced.

I look forward to notification of a meeting.

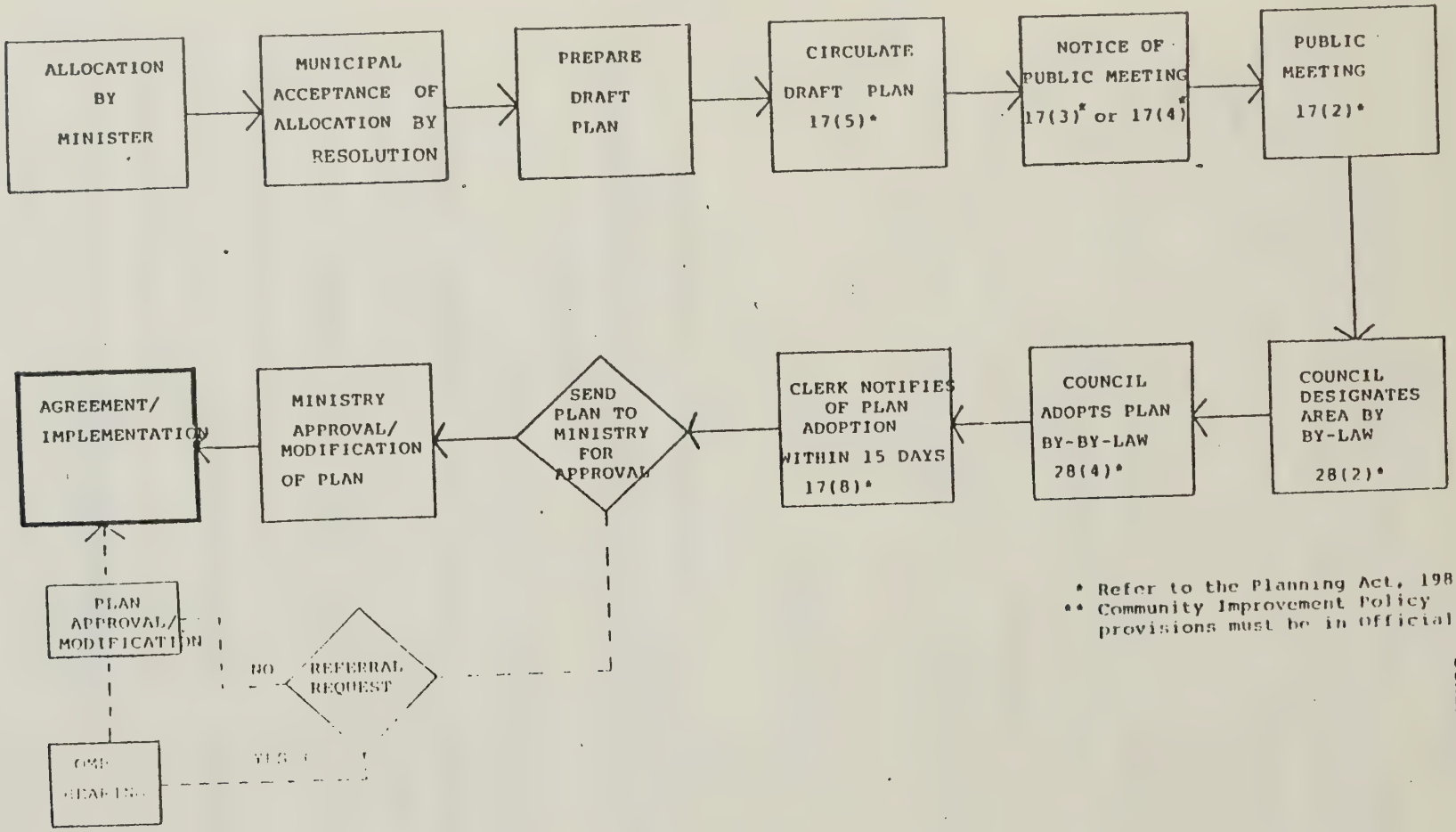
Yours very truly,

WILLIAM C. WEST, Q.C.

WCW/ct

c.c. Mayor Robert Morrow
c.c. Adele Schimmel, Culture and Recreation Department
c.c. Ed W. Kowalski, Department of Community Development
c.c. Sylvia Renshaw, Community Renewal Officer
c.c. J. McNeilly, Community Development
c.c. J. Gallagher, Alderman

COMMUNITY IMPROVEMENT PLAN: APPROVAL PROCESS**



* Refer to the Planning Act, 1983
** Community Improvement Policy provisions must be in official Pl

SCHEDULE "A"

9. Background

The plan should be supported by the following background or appendix material:

- existing land uses (map and description)
- existing zoning (map)
- general overview of building conditions - indicate % of buildings in need of rehabilitation
- existing condition of infrastructure
- evidence of citizen involvement during the preparation of the community improvement plan -- minutes of public meeting
- letter of certification from municipal clerk regarding public notice (See APPENDIX 6)
- reference to any relevant studies/reports undertaken in the area or the municipality as a whole.

NOTE:

Some of the above information may already be documented in the background report to the community improvement policies in the Official Plan. If such is the case, then you may wish to make direct reference to the relevant sections of the background report rather than re-stating the information in the appendix to the community improvement plan.

PROJECT REVIEW COMMITTEE

Each municipality which receives ONIP funding must establish a Project Review Committee. The Committee must consist of two members: one member is a municipal staff member appointed by the municipality and one member is appointed by the Ministry (usually the Community Planner from the Community Renewal Branch). The member appointed by the municipality acts as the chairman of the committee and is responsible for keeping minutes of the meetings. The Committee must review:

(1) the progress of the implementation of the community improvement plan.

(2) the proposed revisions to the community improvement plan to ensure the eligibility of the new projects under the program

(3) the annual progress reports.

The Project Review Committee shall function under the following provisions:

- the committee must be formed within two months of the date of approval of the community improvement plan by the Minister

- the first meeting of the committee must take place as soon as possible following its establishment. Thereafter the committee must meet annually but may meet more frequently if necessary

B) Community Improvement Plan Preparation

6. Q. Must the municipality establish a citizens' advisory committee and hold public meetings on ONIP?

A. The form and extent of citizen involvement is a matter of municipal discretion. As a minimum, the Ministry requires proof of citizen comments at the time of the plan (compliance with Section 17 of the Planning Act R.S.O. 1983). This meeting should be advertised as being a meeting for the purpose of receiving citizen comments and the adoption of the community improvement plan. The minutes of this meeting should be sent to the Ministry at the time of the submission of the community improvement plan. It should also be noted that pursuant to Section 17 any citizen may object to the Minister on the Community Improvement Plan. The Minister must then refer this matter to the OMB for consideration. It is, therefore, in the interest of the municipality to solicit citizen input and keep the citizens advised on matters dealing with the ONIP community improvement area and plan so that the program can proceed without delay.

7. Q. What detail is required in the community improvement plan in the description of the proposed projects?

A. Sufficient detail should be provided so that there is no uncertainty as to what projects are being proposed and their costs. Appendix "B" of the Program Administration Outline

SCHEDULE 'B'

Ontario

Ministry of Municipal Affairs | Ministère des Affaires municipales

Community Renewal Branch
13 - 777 Bay Street
Toronto, Ontario
M5G 2E5

International Year of Shelter for the Homeless
1987
Année internationale logement des sans-a

585-6276

CCT 19/86
800-0606
834-07
EK
87/10/19

October 6, 1987

Mr. E. Kowalski
Director
Community Development Dept.
City of Hamilton
P.O. Box 2040
HAMILTON, Ontario
L8N 3T4

Dear Mr. Kowalski:

Re: Cortown-Stinson ONIP Area

For your information, Mr. David Cohen of the City's Corktown-Stinson Citizen's Advisory Committee contacted this office on September 28, 1987. He spoke with Mr. Ralph Schnurpel and expressed some concern with the selection of projects in the neighbourhood. He was advised by Mr. Schnurpel that the City had likely followed all the necessary Planning Act requirements under ONIP and that City Council was ultimately responsible for the selection of projects.

I can now confirm that the City did follow the required public notice and public involvement procedures as outlined in the ONIP Administration outline.

Yours truly,

Larry Petrovello

Larry Petrovello

cc: Mr. D. Cohen

SCHEDULE 'C'

CITY COUNCIL
HAMILTON CANADA

1986 July 30

Dear Citizen:

It is our pleasure to inform you that your Neighbourhoods - both Corktown and Stinson - are now an Ontario Neighbourhood Improvement Programme (O.N.I.P.) Area. As a result, the Provincial Government and the City of Hamilton have jointly contributed moneys totalling nine hundred thousand dollars ($900,000.00) for the improvement of Corktown/Stinson. This money can be used to improve things such as parks, community facilities, streets and sidewalks.

We will be establishing a Citizen's Committee made up of residents and property owners such as yourself. This Committee will assist in identifying problems within your neighbourhood and suggest ways to correct these problems.

On behalf of the Department of Community Development we are sending out a questionnaire designed to assist us in determining the problems and needs of the residents of the Corktown/Stinson Neighbourhood, and how this money may be best spent to serve you. It is very important that you answer the questionnaire. You will note that you are not required to give your name or address and, therefore, your response is completely confidential.

Once you have completed the questionnaire, please return it in the self-addressed, pre-paid envelope by 1986, September 15. Should you find that you have any difficulty or questions with regard to the questionnaire, please contact Sylvia Renshaw, Department of Community Development, City Hall, at 526-2744.

Your interest and participation is essential if we are to obtain the fullest benefit from the O.N.I.P. Thank you for your time and consideration with respect to this matter.

Sincerely yours,

Alderman V. Agro

Alderman W. McCulloch

Corktown-Stinson Ontario Neighbourhood Improvement Program (O.N.I.P.) Meeting

1986, October 20, 7:00 p.m.
First Pilgrim United Church
Pilgrim Hall
200 Main Street East

Agenda:

1. Welcoming remarks - Alderman V. Agro & Alderman W. McCulloch
2. Introduction of officials and departments - Alderman V. Agro
   Alderman W. McCulloch
3. Neighbourhood Plan - D. Godley.
4. O.N.I.P. Outline - J. McNeilly.
5. Citizens Survey - S. Renshaw.
6. Citizens Committee - S. Renshaw.
7. Rehabilitation Programmes - J. Gamble.
8. Further comments from Aldermen.
9. Comments/Questions from floor.
10. Adjournment.

The Ontario Neighbourhood Improvement Programme (O.N.I.P.)
Citizens' Neighbourhood Planning Committee

Role of the Committee

To assist and advise City Council and the appropriate Standing Committees of Council, through the Department of Community Development in the possible delivery of services through the Ontario Neighbourhood Improvement Programme.

Membership

The Committee is comprised of fifteen (15) residents and/or property owners from the Corktown/Stinson Neighbourhood. Both Aldermen for the Ward in which the O.N.I.P. area is located shall alternate chairmanship of the Committee meetings. One Community Renewal Officer and a recording secretary from the Department of Community Development will attend all meetings of the Citizens' Committee, and, in addition, expert staff from other Departments (e.g. Traffic, Engineering, Culture and Recreation, etc.) will attend as required.

Frequency of Meetings

The meetings are normally held once a month, however, they may be held more frequently, if required. The notice of meetings will be ciruclated one week prior to the meeting along with the minutes from the previous meeting.

Responsibilities of the Chairman

Both Aldermen for the Ward will alternately chair the O.N.I.P. Citizens' Planning Committee unless otherwise agreed. The Chairman does not have a vote. The Chairman shall co-ordinate the meeting and represent the Committee to the various Committees of Council and City Council. The Chairman may call any additional meetings at his/her discretion. Should neither Alderman be able to attend a Citizens' Planning Committee meeting, the remainder of the Committee shall elect a Chairman for that meeting; however, no item shall be voted on without representation of at least one Ward Alderman at the meeting unless previously agreed upon.

SCHEDULE 'D'

Item	Contractor	Status	Amount
Phase A - Noise Barrier	Royal Fence	Current	$ 35,000
Phase B - Central Memorial driveway access	Associated Paving	Current	76,000
Phase C - Parks			
Hunter/East Avenue	Peinster McLean	1988	47,180
Wolverton	"	1988	148,850
Central Memorial	"	1988	79,963
Fencing, Landscaping			
Corktown North	Delmar	1988	73,730
Corktown South	"	1988	137,130
Frank Basciano Landscape Architect	--	Fees	70,000
Fire Hydrant - Removal	Public Works	1988	7,500
Administration	--	Fees	30,000
Electrical, Lighting	--	1988	50,000
Surveys (Topographical)	--	--	5,000
Play Equipment-Wolverton	Paris Playground Inc.	1988	7,825
Corktown South	"	1988	5,576
Hunter/East Avenue	Belair Rec. Prods.	1988	6,200
Carter Park	--	1989	120,000
TOTAL			$899,954
ALLOCATION			900,000

MEMORANDUM • CITY OF HAMILTON

35a.

TO : Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM : R. C. Prowse, Secretary
Transport and Environment Committee

OUR FILE :

SUBJECT : **GO RAIL STUDY**

DATE : 1988 June 01

The Transport and Environment Committee, in response to the request of the Planning and Development Committee, held a public meeting on Monday, May 16, 1988, relative to the GO Rail Study.

This is to advise that no action was taken on the GO Rail Study recommendation forwarded to the Transport and Environment Committee by the Planning and Development Committee on a report dated May 10, 1988.

RCP/kc

RCP:lp

35 b.

FOR ACTION

REPORT TO: Mr. Robert Prowse, Secretary
Transport and Environment Committee

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

DATE: 1988 April 13
COMM FILE:
DEPT FILE:

SUBJECT:

GO Rail Study.

RECOMMENDATION

That the Transport and Environment Committee hold a Public Meeting, to solicit comments, prior to a report to City Council, on the following recommendations respecting the GO Rail Study:

(i) That the terminus for GO Rail be relocated at the CP (former T.H. & B.) Station as soon as possible.

(ii) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;

(iii) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;

(iv) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;

(v) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;

(vi) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;

(vii) That the new terminus be developed as a mixed use development, including general purpose parking;

Continued ....

(viii) That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:

(1) review any proposed CP station development with participation by the public; and,

(2) prepare guidelines for development in the area surrounding the CP station with participation by the public;

(ix) That every effort be made to retain and enhance the CP building as part of any development of the terminus;

(x) That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study;

(xi) That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.

Susan K. Reeder.
Secretary

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A.

Continued ....

BACKGROUND

The Planning and Development Committee at its meeting held Wednesday, 1988 March 30th endorsed the above-noted recommendations on the GO Rail Study presented to them by the Central Area Plan Implementation Committee and directed that these recommendations be forwarded to the Transport and Environment Committee.

Attached herewith is the Report dated 1988 March 21st prepared by the Central Area Plan Implementation Committee.

Attch.
c.c.'s. - Alderman J. Smith, Chairman
Planning and Development Committee
- Alderman D. Christopherson, Chairman
Central Area Plan Implementation Committee
- Mr. V. Abraham, Director of Local Planning
Attention: Mr. D. Godley

FOR ACTION

FROM: Central Area Plan Implementation Committee

DATE: 1988 March 21

TO: Planning and Development Committee

File No.: P5-4-7

Attention Of: V. J. Abraham

SUBJECT

GO Rail Study

RECOMMENDATION

a) That the following recommendations be endorsed by the Planning and Development Committee and forwarded to the Transport and Environment Committee for a public meeting prior to a report to Council:

PRINCIPAL RECOMMENDATION

1) That the terminus for GO Rail be relocated at the CP (former T.H. & B.) Station as soon as possible;

OTHER RECOMMENDATIONS

2) That a public meeting be held to solicit comments prior to a City Council decision on this matter;

3) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;

4) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;

5) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;

6) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;

7) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;

ANALYSIS

General Comment

An increased GO Rail service to Hamilton is important to the long term future of Hamilton. A rail link will improve transportation connections to Toronto and the east and supplement existing GO bus service and the freeway network. GO trains will be particularly important at rush hour when the freeway system is congested. GO trains will help the community have better access to Toronto and the east, allow those with jobs in the Toronto area to live in Hamilton more easily and create a commuting corridor for those who live along the northern lakeshore and who work in Hamilton. An efficient integrated transportation system will increase the economic potential of the Region, the City, the Central Area, and the downtown.

A GO rail terminus as part of an intermodal facility in the Central Area is in accordance with the city policies and the draft Central Area Plan (Appendix 4).

Location

Proximity of the CP station to the downtown and high density residential areas will provide significantly more convenience for potential users than the CN option.

Cost Effectiveness

Convenient location of the CP station will ensure greater ridership than the CN option and therefore, in the long run will provide a more cost effective service.

Intermodal Connection

The provision of a combined long distance bus terminal/GO Rail service is essential to an integrated transportation system. This can be provided equally well at both locations. However, the proximity of the major local bus movements (east, west along King and Main and mountain access on James and John) allows a good interconnection with the CP station. The VIA service, however, would be separate and a CP option would not jeopardize the expansion of this service. The CN station would require a special shuttle service to connect it with the downtown.

Economic Development

Development of the terminus and surrounding area has greater potential at the CP station because of its proximity to the downtown and all its support services. Improved transportation links would make investment in the downtown and Region, as a whole, more attractive. A terminus at the CP station would provide an impetus for development to the east of James Street.

However, there is concern about the cost and impact of double tracking and Hunter tunnel reconstruction. Service should, therefore, be provided without reconstruction of the tunnel and a further decision made as the service develops. It is anticipated that the capacity of the Hunter Street tunnel will be satisfactory for a long time period and that options to the reconstruction of the tunnel, (e.g. supplementing service with the CN Station) could be considered as service approaches up to the maximum the existing tunnel allows, (i.e., approximately twenty passenger trains, which includes trains to and from Hamilton). It is felt to be impractical to provide full service (such as between Oakville and Toronto) for the foreseeable future because of the anticipated demand for service.

The Neighbourhood Associations and others interested should be involved, from the outset with the Province, in developing mitigating and enhancement measures to ensure a socially and environmentally sensitive option. The Urban Design Committee should be asked to review the proposed development and to prepare guidelines for surrounding development.

APPENDIX "1"

CENTAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)

CURRENT MEMBERSHIP - January, 1988

Alderman David Christopherson (Chairman)

John Nolan (Vice-Chairman), Chamber of Commerce

Dr. Andrew Burghardt (Dr. Bill Anderson, alternative), McMaster University

Mark Boyak, Hamilton Real Estate Board

Bruce Charlton

Russell Elman, Coalition on Sensible Transit and Durand Association

Ozzie Ferguson, United Senior Citizens of Ontario

Rev. Charles Forsyth, First Place

Arthur Lomax, Hamilton Automobile Club

Howard Mark, Local Architectural Conservation Advisory Committee

Gabriel Etele, Downtown Business Improvement Area

Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board

Bruce Rankin, Hamilton Society of Architects

Gillian Simmons, North End Neighbourhood

Gloria DeSantis (Clodagh Stoker-Long, alternative), Social Planning and Research Council

Marvin Wasserman, King East Business Association

David Cohen, Corktown-Stinson Neighbourhoods

Member to be named, Hamilton District Labour Council

Member to be named, Hamilton Board of Education

PRELIMINARY TECHNICAL RECOMMENDATIONS

ROUTE

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, SHIFT EXISTING SERVICE FROM CN STATION TO CP/TH&B STATION.

LEVEL OF SERVICE

- PROCEED WITH DETAILED SIMULATION BY CN AND CP TO DETERMINE VARIOUS LEVELS OF SERVICE AND TRACK REQUIREMENTS (E.G. AT TUNNEL).

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, PROVIDE INCREMENTAL IMPROVEMENTS IN LEVEL OF SERVICE AS APPROPRIATE.

STATIONS

- ESTABLISH THE REQUIREMENTS FOR THE STAGED IMPLEMENTATION OF THE INTEGRATION OF BUS AND RAIL SERVICES AT THE TH&B STATION. THIS FACILITY WILL BE THE FOCUS FOR DOWNTOWN HAMILTON ACCESS TO THE GO TRAIN SYSTEM.

- PROTECT FOR THE FUTURE STAGED IMPLEMENTATION OF A STATION AT WATERDOWN ROAD. THIS STATION WILL PROVIDE THE FOCUS FOR REGIONAL ACCESS VIA THE HIGHWAY NETWORK TO THE GO TRAIN SYSTEM.

PROJECT TEAM

The GO Train Extension Program Project Team consists of representatives from:

- The Ministry of Transportation and Communicatons;
- GO Transit;
- McCormick Rankin (Consultants);
- Regional Municipality of Halton (Mr. H. Wong, Director of Planning);
- Regional Municipality of Hamilton-Wentworth (Mr. Heinz Schweinbenz, Commissioner of Transportation).

BJ:CS
0186P

INTRODUCTION AND BACKGROUND

WELCOME TO THIS INFORMATION CENTRE. IT HAS BEEN ARRANGED SO THAT PEOPLE WHO ARE INTERESTED IN THE BURLINGTON TO HAMILTON SECTION OF THE GO TRAIN SERVICE EXPANSION PROGRAM CAN REVIEW THE RESULTS OF THE STUDY TO DATE AND DISCUSS THE PROJECT WITH REPRESENTATIVES OF THE STUDY TEAM.

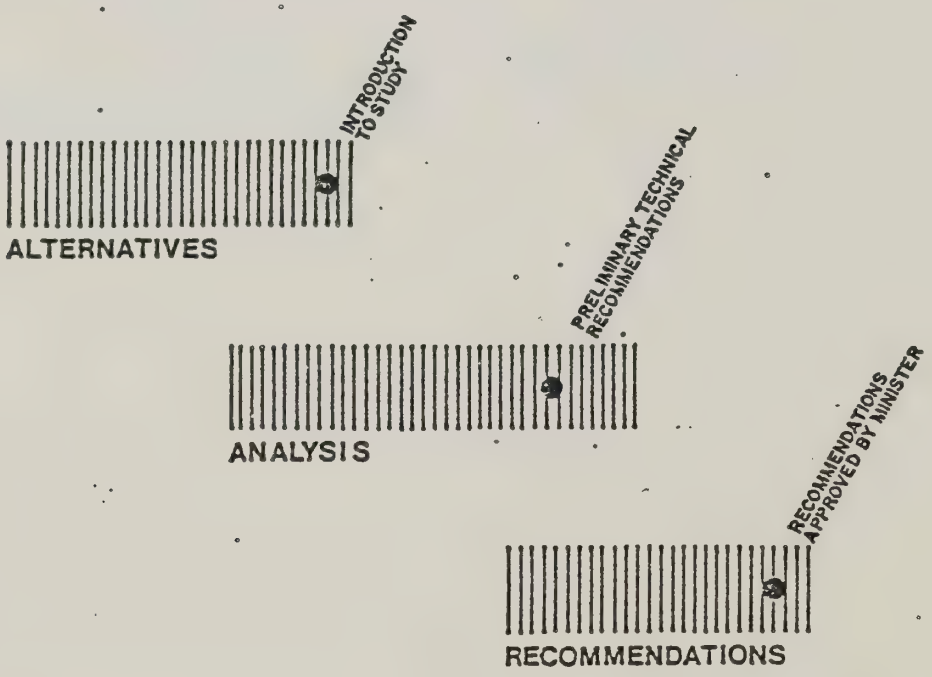
THREE GO TRAINS PRESENTLY RUN FROM THE HAMILTON CN STATION TO TORONTO IN THE MORNING AND BACK IN THE AFTERNOON. FULL GO TRAIN SERVICE PRESENTLY RUNS BETWEEN PICKERING AND OAKVILLE AND IS PLANNED TO BE IN PLACE BETWEEN OAKVILLE AND BURLINGTON BY THE EARLY 1990's.

THE CURRENT STUDY IS TO INVESTIGATE THE POSSIBLE EXPANSION OF GO TRAIN SERVICE BETWEEN BURLINGTON AND HAMILTON.

STUDY OBJECTIVES

- TO DETERMINE LONG RANGE RECOMMENDATIONS FOR GO TRAIN SERVICE TO HAMILTON.
- TO PROVIDE FOR AN INTEGRATED LOCAL AND REGIONAL TRANSIT SYSTEM THROUGH THE DEVELOPMENT OF A SINGLE CENTRAL HAMILTON STATION.
- TO DEFINE STAGING PLANS THAT WOULD ALLOW FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS.
- TO PROTECT A ROUTE AND PROPERTY FOR THE RECOMMENDATIONS.

Spring 1987	Summer 1987	Fall 1987	Spring 1988



● Public Information Centres

THE CURRENT STUDY WILL BE COMPLETE WHEN AN ENVIRONMENTAL ASSESSMENT REPORT DETAILING THE ALTERNATIVES, ANALYSIS AND RECOMMENDATIONS IS SUBMITTED TO THE MINISTRY OF THE ENVIRONMENT. THIS IS SCHEDULED TO OCCUR IN LATE 1988 OR EARLY 1989. CONSTRUCTION OF ANY RECOMMENDED FACILITIES CANNOT OCCUR UNTIL FINAL APPROVAL OF THE REPORT BY THE MINISTRY OF THE ENVIRONMENT.

PRELIMINARY TECHNICAL RECOMMENDATIONS

ROUTE

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, SHIFT EXISTING SERVICE FROM CN STATION TO CP/TH&B STATION.

LEVEL OF SERVICE

- PROCEED WITH DETAILED SIMULATION BY CN AND CP TO DETERMINE VARIOUS LEVELS OF SERVICE AND TRACK REQUIREMENTS (E.G. AT TUNNEL).

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, PROVIDE INCREMENTAL IMPROVEMENTS IN LEVEL OF SERVICE AS APPROPRIATE.

STATIONS

- ESTABLISH THE REQUIREMENTS FOR THE STAGED IMPLEMENTATION OF THE INTEGRATION OF BUS AND RAIL SERVICES AT THE TH&B STATION. THIS FACILITY WILL BE THE FOCUS FOR DOWNTOWN HAMILTON ACCESS TO THE GO TRAIN SYSTEM.

- PROTECT FOR THE FUTURE STAGED IMPLEMENTATION OF A STATION AT WATERDOWN ROAD. THIS STATION WILL PROVIDE THE FOCUS FOR REGIONAL ACCESS VIA THE HIGHWAY NETWORK TO THE GO TRAIN SYSTEM.

ANALYSIS FACTORS

- TRANSPORTATION SERVICE
  - RAIL
  - BUS
  - STAGING
- ECONOMIC EFFECTS
  - COMMERCIAL
  - RESIDENTIAL
  - TOURISM
  - ATTRACTION TO HAMILTON
- CONSTRUCTION COSTS
  - RAIL COSTS
  - STRUCTURE COSTS
  - TUNNEL COSTS
- SOCIAL EFFECTS
  - COMMUNITY INTRUSION
  - NOISE
  - CONSTRUCTION EFFECTS
- NATURAL ENVIRONMENTAL EFFECTS
  - SENSITIVE AREAS
  - VEGETATION
  - WATER

GO TRA..N SERVICE EXPANSION PROGR..M - ANALYSIS OF ALTERNATIVES
ECONOMIC EFFECTS

CRITERIA	CP/TH&B STATION		CN STATION	
	EXISTING	POTENTIAL	EXISTING	POTENTIAL
o Population within 750 m of station	12,890	14,120 *	6,900	6,600 *
o Employment within 750 m of station	21,860	26,750 *	7,330	10,070 *
o Residential unit development within 750 m of station	±7,540	±8,560	±2,960	±3,180
o Commercial development within 750 m of station (includes office and retail commercial)	207,200 m² *** (office only)	±555,600 m² **	Negligible	±55,700 m² **
o Tourist/Recreational attractions within 750 m of station	6 (Copps Coliseum, Art Gallery, Football Hall of Fame, Convention Centre, Jackson Square, Hamilton Place)	8 (The 6 in existing + Theatre Aquarius and Eaton Centre)	0	1 (Waterfront Park)
o Compatibility of Terminal with Municipal Land Use/ Development policies	Not applicable Terminal unused	Compatible	Compatible since already in use	Less compatible since not in development area

* Population and Employment Figures Based on Year 2011 Ministry of Transportation Forecast

** Based on 65% of Maximum Permissable Floor Area Under Current Zoning. Source: City of Hamilton

*** Source: Chambers & Co. Ltd., Hamilton Office Space Inventory, July 1987

FUTURE WORK

THE FOLLOWING ACTIVITIES NEED TO BE CARRIED OUT BEFORE THE STUDY IS COMPLETE:

RAIL STUDIES: BOTH CN RAIL AND CP RAIL WILL UNDERTAKE DETAILED SIMULATIONS OF SPECIFIC GO TRAIN SCENARIOS TO DETERMINE THE LEVEL OF GO TRAIN SERVICE POSSIBLE FOR DIFFERENT TRACK REQUIREMENTS. THIS WILL DETERMINE WHAT LEVELS OF GO TRAIN SERVICE WOULD REQUIRE CONSTRUCTION OF NEW TRACKS IN AREAS SUCH AS THE ROYAL BOTANICAL GARDENS AND THE HUNTER STREET TUNNEL.

CONSULTATION: FURTHER CONSULTATION WITH INTEREST GROUPS, CITIZENS, TECHNICAL STAFF AND ELECTED OFFICIALS WILL OCCUR, PARTICULARLY DURING THE MUNICIPAL COUNCIL APPROVAL PROCESS AND PUBLIC REVIEW OF THE FINAL RECOMMENDATIONS.

DETAILED ANALYSIS AND EVALUATION: FURTHER ANALYSIS AND EVALUATION WILL OCCUR TO ENSURE THAT ALL THE TECHNICAL FACTORS AND PUBLIC INPUT ARE TAKEN INTO ACCOUNT BEFORE FINAL RECOMMENDATIONS ARE MADE. THE COMMENTS PROVIDED BY THE PUBLIC AT THIS INFORMATION CENTRE WILL BE PART OF THIS ANALYSIS.

ENVIRONMENTAL ASSESSMENT: AN ENVIRONMENTAL ASSESSMENT REPORT WHICH COMPILES ALL THE ALTERNATIVES, ANALYSIS AND EVALUATION DONE IN THE STUDY WILL BE PREPARED AND SUBMITTED TO THE MINISTRY OF THE ENVIRONMENT FOR GOVERNMENT AND PUBLIC REVIEW AND FINAL APPROVAL.

NEXT PUBLIC INFORMATION CENTRES: THE NEXT ROUND OF PUBLIC INFORMATION CENTRES IS SCHEDULED FOR SPRING 1988.

POLICIES FROM THE DRAFT

CENTRAL AREA SECONDARY PLAN

4.8.14 All forms of public transit should contribute to a convenient and coordinated system of transportation.

4.8.15 A multi-modal transportation terminal should be provided in an appropriate location in the Central Area.

4.8.16 Existing commuter (GO Train) inter-city passenger rail services linking Hamilton, and all other centres should be maintained and improved.

FOR INFORMATION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 March 24

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: P5-4-7-9

SUBJECT:

GO Rail Study

RECOMMENDATION

a) That the Planning and Development Department support the recommendations of the Central Area Plan Implementation Committee (CAPIC) regarding the GO Train Expansion Program; and,

b) That the recommendation and the report be referred to the Transport and Environment Committee for consideration.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

See CAPIC's GO Rail Study Report.

BJ/dkp

WP 0021P

36a

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 May 9
COMM FILE:

FROM: STELLA GLOVER
SECRETARY OF THE TASK FORCE ON
STUDENT HOUSING

DEPT. FILE: 4480

SUBJECT:

Final recommendations from the Student Housing Task Force.

RECOMMENDATIONS

That the Task Force on Student Housing recommends that the Planning and Development Committee and Council adopt the following policies:

1. Permanent Housing Committee

   i) That the City in conjunction with the University and Student Union establish a permanent Housing Committee (composed of City representatives, students, university administrators, landlords and residents) to review data on student housing and to address issues related to student housing problems.

   ii) That the Housing Committee develop a brochure for those students residing in the Community in off-campus housing and develop ways to educate and to inform those students as to the nature of the community and expected standards of behaviour.

2. City Policy/By-laws and Enforcement

   i) That the "family" definition as contained in Zoning By-law No. 6593 be amended on the following basis:

      "Family" shall mean:

      1. one person with or without the accommodation of not more than three lodgers.

      2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.

3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.

4. five or fewer persons, irrespective of the relationship if any between them.

occupying premises and living as a single housekeeping unit;

but does not include a person or group of persons occupying:

5. a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

ii) That the Planning & Development Committee be asked to give consideration to Section 19 of Zoning By-law 6593 with a view to amending the discrepancy between pre and post 1940 houses.

iii) That the City of Hamilton take the necessary steps to allow City Officials to enforce the Zoning By-law, Property Standards By-law, Backyard By-law, Licensing By-law, (Lodging Home), etc., under the Provincial Offences Act (ticketing offending persons) in an effort to increase effectiveness of enforcement.

iv) That Council be requested to amend its policy to actively pursue enforcement of various maintenance by-laws instead of operating on a complaint basis.

v) That additional staff be provided to the Building Department to deal with Property Standard violations, recognizing the areas of special problems this Task Force has identified.

vi) That the Transportation Services Committee meet with the proposed Housing Committee to review the transportation needs of the students with a view to improving service across the region.

vii) That the Police, By-law Enforcement Officers and City Hall staff continue to be a visible force to attend to potential problem situations, especially during McMaster's peak student entertainment activities such as orientation, homecoming, etc.

viii) That the Municipal (Hamilton) Non-Profit Housing Corporation approach McMaster University and the Student's Union with a view to forming a co-operative, to provide student housing with Provincial government monies.

ix) That the City of Hamiton help to defray the costs associated with the construction of University and/or Student Union sponsored housing. (ie. waiving of lot levy charges)

x) That the Planning and Development Department prepare a map identifying all higher density areas within the region which are suitably zoned for the construction of multiple student accommodation to assist developers.

3. University Policies

i) That the University be encouraged to actively pursue the development and provision of additional on and/or off-campus housing.

ii) That entrance to on-campus residence accommodation should take into account the permanent residence of the student, as well as his academic standing. Students whose principal residence is in the immediate Hamilton-Wentworth area should be given a lesser priority.

iii) Notwithstanding Item 3 ii), that every possible effort be made to ensure freshman admission to residence if that is the type of accommodation they prefer, regardless of the site of their primary residence.

iv) That the University be encouraged to assess its policy so that its code of behavior for residents continue to be rigorously and consistently enforced.

v) That the University be encouraged to continue to make use of resource groups such as The Lady Hamiltons, The Chamber of Commerce and The Regional Tourism Association, etc., during orientation week to assist in acclimatizing students and their families to living in Hamilton. The University could continue to utilize these volunteers in an on-going ad hoc basis, whenever their expertise would be beneficial.

4. Promotion and Education

i) That the University, in conjunction with the City of Hamilton, publish brochures to address the following:

- o outlining the students' and residents' rights and obligations under the City of Hamilton by-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing [Lodging Home], etc.);
- o listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;
- o promoting families to accept students as boarders;
- o hints on being a "good neighbour";
- o encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling.

ii) That consideration be given to the University, the McMaster Student Union and residents forming a committee to welcome students into the Westdale/West Hamilton community in the fall.

iii) That the building of off-campus cooperative apartments or buildings erected by private enterprise be encouraged in areas where it is suitably zoned.

iv) That the City of Hamilton, in conjunction with University administration and Student Union, lobby Queen's Park to modify rent controls so as to encourage and increase the stock of multiple rental housing.

Stella Glover
Secretary of the Task Force
on Student Housing

FINANCIAL IMPLICATIONS

Not known at this time.

BACKGROUND

On September 16, 1987, the Planning and Development Committee approved the formation of a task force to deal with the issue of "Student Housing" in the Westdale/West Hamilton Community.

Accordingly, the following ten-member task force was struck:

Alderman T. Cooke, Chairman
Alderman M. Kiss
Alderman D. Christopherson
Ms. Margaret Campbell, representing Ainslie Wood Neighbourhood Association
Mr. Jack Evans, Associate Vice-President of University Services, representing McMaster University
Mr. Bob Jarecki, Ombudsman, representing McMaster Student Union (until April 14, 1988)
Ms. Suzan Fraser (April 14, 1988 to present)
Ms. Zelda Rock, resident
Ms. Sandy Hill, representing George R. Allen Home and School Association
Dr. Joe Homer, resident
Ms. Norah Kozicz, resident

In addition, staff from the Planning, Building, Clerk's (Licensing), Legal, Fire, Police and Health Departments were in attendance. The members and staff complement was approved by the Planning and Development Committee on October 14, 1987. The composition of the task force was amended at the February 24, 1988 Committee meeting to include two students, Andrew Campbell and Cyrus Barucha from the McMaster University Student Union. The task force composition was amended a second time; the Planning and Development Committee approved the replacement of Bob Jarecki with Suzan Fraser.

Since October 1, 1987, the task force has met on eleven (11) occasions. The objective of these meetings was to determine the basis and the magnitude of the student/resident conflict and to develop a strategy with both short and long term initiatives to combat or mitigate "student housing" and "community" problems.

Before the task force formulated policies and recommendations, it was essential to get feedback from the students and residents in the community. Two public meetings were held; one in the Ainslie Wood East Neighbourhood and the other at McMaster University.

Approximately 450 people attended the Neighbourhood meeting. Due to lack of seating capacity approximately 200 people were turned away. Two petitions were presented to the Task Force, each signed by 2000 residents. The petitions read as follows:

1. "WE, THE UNDERSIGNED, PETITION THE HAMILTON CITY COUNCIL, TO PASS LEGALLY ENFORCEABLE BY-LAWS TO PREVENT THE RESIDENTIAL COMMUNITIES SURROUNDING MCMASTER UNIVERSITY FROM DETERIORATING INTO "STUDENT GHETTOS."

2. "WE THE UNDERSIGNED, PETITION MCMASTER UNIVERSITY TO BUILD MORE ON CAMPUS HOUSING AS A RESPONSE TO THEIR INCREASED ENROLMENT AND THE PROBLEM THIS HAS CREATED IN THE SURROUNDING COMMUNITY."

The meeting at McMaster University attracted 130 people. On both occasions, numerous letters and written submissions were received from residents and students.

In addition, two surveys were distributed at the meetings. Each of the surveys targeted different sectors of the population: the students and residents. Both groups are faced with different problems and needs and, as a result, the separate surveys addressed those differences.

The residents' survey revealed that the five major problems from a community stand point are:

1) unkempt properties;

2) too many students in a house.

3) too many student houses

4) noise

5) overflow parking onto streets

The students' survey (albeit a small sample size, 42 respectively) indicated that 76% of the students were paying upwards of 36% of their monthly budget on rent. As a result, they could not afford to live with a small number of students. With this global overview in mind, the task force set out to establish recommendations.

During the course of the task force's deliberations both the residents and the students brought forward recommendations for the task force's consideration.

As a result, the recommendations, as set out in this report, are an attempt to satisfy both the needs of the community and the students.

The recommendations are divided into four main groups:

1) Permanent Housing Committee
2) City Policy/By-laws and Enforcement
3) University Policies
4) Promotion and Education

The backbone of this report is based on a similar report prepared by Waterloo's Task Force on Student Housing. The City of London has just recently completed a report similar to Waterloo's. Many of the problems faced by Hamilton residents and students are the same as those felt by other university cities/towns. Waterloo, London and Hamilton appear to be the only three cities which have struck a task force to deal with these problems.

FULFILLMENT OF PROPOSED RECOMMENDATIONS

During the Task Force's deliberations of the past several months, some of the recommendations as outlined on pages 1 to 4 have been implemented either in whole or in part.

- Recommendation 3(i) - Provision of additional on-campus housing

  On April 28, 1988, the Board of Governors approved the construction of an on-campus undergraduate residence to house approximately 385 students at a cost not to exceed $10 million.

- Recommendation 4(i) - Publication of brochure outlining students' and residents' rights in the community

  The University has published the "good neighbour" brochure for students which gives hints on being a "good neighbour". The brochure will be distributed to all students.

  The University has under preparation a further brochure to encourage residents of Hamilton to open their houses to students.

  In addition, the Student Union, with financial assistance from the University, is updating and expanding the existing publication titled Renting in Hamilton. This booklet deals with applicable laws relating to "renting".

NEW MCMASTER INITIATIVES

Recently, the Student Union and the University have created new services, the Student/Tenant Association and the Off-Campus Housing Office respectively. These were created in order to better serve the McMaster students in the field of housing. The objectives of the STA are three-fold:

1. to provide neutral information (i.e., rental situations, applicable by-laws, leases, legislation, etc.) to interested persons (primarily students, though);

2. to liaise with government agencies, legal clinics and other appropriate agencies to ensure the information bank is up-to-date;

3. to investigate the feasibility of forming a mediation committee between landlords and tenants. The committee members will represent tenants, landlords and interested community people.

CONCLUSION

Based on the foregoing, the recommendations can be supported.

0217P

MEMORANDUM • CITY OF HAMILTON

TO : Alderman J. Smith, Chairman and Members of the Planning and Development Committee

YOUR FILE:

FROM : Mrs. Susan K. Reeder, Secretary Planning and Development Committee

OUR FILE :

SUBJECT : **Staff Report on the Recommendations of the Task Force on Student Housing.**

DATE : 1988 June 13

Attached herewith are the staff reports with respect to the recommendations of the Task Force on Student Housing.

As you are aware this matter will be discussed at the evening session of the Planning and Development Committee to be held Wednesday, 1988 June 15th at 7:30 o'clock p.m. in the City Hall Council Chambers.

I trust that this advanced receipt of these documents will be of assistance to you in this matter.

Susan K. Reeder

URBAN MUNICIPAL
JUN 14 1988
GOVERNMENT DOCUMENTS

SKR:dbm
Attch's.
c.c.'s. - Mr. L. Sage, Chief Administrative Officer
- Mr. K. A. Rouff, City Solicitor
Attention: Mr. P.R.A. Hooker
Attention: Ms. L. Lawrence
- Mr. E. W. Kowalski, Director of Community Development
- Mrs. Rosemary Campbell, Community Development
Mr. G. S. Spencer, Commissioner of Engineering
Attention: Mr. K. Brenner
- Mr. D. W. Vyce, Director of Property
- Mr. M. Watson, Manager, Real Estate Division
- Mr. M. Main, Traffic Commissioner
Attention: Mr. R. Karl
- Mr. S. Ghanem, Director of Economic Planning
- Ms. Diana Pasko, Planning Department
- Ms. D. Miscione, Building Department
- Mr. D. Carson, Mayor's Office
- Mr. J. D. Thoms, Commissioner Planning and Development Department
- Mrs. J. MacAnanama, Chief Librarian
✓ - Urban Municipal Librarian, Central Library
- Mr. J. Schatz, Manager of Legislative Services
- Mr. Bill Janssen, Planning Department
- Mr. John Gartner, Regional Planning Department
- Mr. J. Schwarz, Regional Planning Department
- Mr. M. Sabelli, Planning Department
- Ms. JoAnne Hickey, Planning Department

FOR ACTION

URBAN MUNICIPAL
JUN 14 1988
GOVERNMENT DOCUMENTS

36b

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 June 9

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: 4480

SUBJECT:

Comments from both City and Regional Departments respecting the Final Recommendations of the Student Housing Task Force.

RECOMMENDATIONS

(a) That the following recommendations be referred to the University for action:

1) That the City request the University and Student Union to establish a permanent Housing Committee (composed of City representatives, students, University administrators, landlords and residents) to review data on student housing, problems related to student housing and other pertinent issues. (Recommendation 1i)

2) That the permanent Housing Committee develop a brochure for those students residing in the Community in off-campus housing and develop ways to educate and to inform those students as to the nature of the community and expected standards of behaviour. (Recommendation 2ii)

3) "That the permanent Housing Committee meet with the Transportation Services Committee to review the transportation needs of the students with a view to improving the service across the region". (Recommendation 2vi)

4) That the Police and By-law Enforcement Officers continue to be a visible force to attend to potential situations, especially during McMaster's peak student entertainment activities such as orientation, homecoming, etc.

5) That the University be encouraged to actively pursue the development of and provision of on and/or off campus housing. McMaster University and the Students' Union approach the Provincial and/or Federal governments with a view to obtaining funding for student housing either within existing financial programs or newly created ones. (Recommendation 3i and 2viii)

6) That entrance to on-campus residence accommodation should take into account the permanent residence of the student, as well as his academic standing. Students whose principal residence is in the immediate Hamilton-Wentworth area should be given a lesser priority. (Recommendation 3ii)

7) Notwithstanding Item 3ii), that every possible effort be made to ensure freshman admission to residence if that is the type of accommodation they prefer, regardless of the site of their primary residence. (Recommendation 3iii)

8) That the University be encouraged to assess its policy so that its code of behaviour for residents continue to be rigorously and consistently enforced. (Recommendation 3iv)

9) That the University be encouraged to continue to make use of resource groups such as The Lady Hamiltons, The Chamber of Commerce and The Regional Tourism Association, etc., during orientation week to assist in acclimatizing students and their families to living in Hamilton. The University could continue to utilize these volunteers in an on-going ad hoc basis, whenever their expertise would be beneficial. (Recommendation 3v)

10) That the University, with technical assistance from the City of Hamilton, publish brochures to address the following:

* outlining the students' and residents' rights and obligations under the City of Hamilton By-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing (Lodging Home), etc.);

* listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;

* promoting families to accept students as boarders;

* hints on being a "good neighbourhood"

* encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling. (Recommendation 4.i)

11) That consideration be given to the University, the McMaster Student Union and residents forming a committee to welcome students into the Westdale/West Hamilton community in the fall. (Recommendation 4ii)

b) That the following recommendation of the Student Housing Task Force be referred to the Legal Department and the Finance Department for action:

1) That the City of Hamilton fully investigate the feasibility of defraying costs associated with the construction of University and/or Student Union sponsored housing (i.e. - waiving of lot levy charges).

c) That the following recommendations of the Students Housing Task Force cannot be supported:

1) Amendment to the "Family" definition in the Zoning By-law to restrict the number of unrelated persons living together in a single houskeeping unit to a maximum of 5 persons. (Recommendation 2i)

2) That the City of Hamilton take the necessary steps to allow City Officials to enforce the Zoning By-law, Property Standards By-law, Backyard By-law, Licencing By-law, (Lodging Homes), etc., under the Provincial Offences Act (ticketing offending persons) in an effort to increase effectiveness of enforcement. (Recommendation 2iii)

3) That Council be requested to amend its policy to actively pursue enforcement of various maintenance By-laws instead of operating on a complaint basis. (Recommendation 2iv)

4) That additional staff be provided to the Building Department to deal with Property Standard violations, recognizing the areas of special problems this Task Force has identified. (Recommendation 2v)

5) That the Planning and Development Department prepare a map identifying all higher density areas within the region which are suitably zoned for the construction of multiple student accommodation to assist developers. (Recommendation 2x)

d) That the following recommendations of the Student Housing Task Force be tabled at this time pending a review of housing intensification and rent controls which have been proposed to deal with these matters:

1) That the Planning and Development Committee be asked to give consideration to Section 19 of Zoning By-law 6593 with a view to amending the discrepancy between pre and post 1940 houses. (Recommendation 2ii)

2) That the City of Hamilton, in conjunction with University administration and Student Union, lobby Queen's Park to modify rent controls so as to encourage and increase the stock of multiple rental housing. (Recommendation 4iv)

e) That the following recommendation of the Student Housing Task Force be received for information:

1) That the building of off-campus cooperative apartments or buildings erected by private enterprise be encouraged in areas where it is suitably zoned. (Recommendation 4iii)

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

o Planning Comments

$3,050 - Preparation of regional map identifying areas of high density.

o Building Comments

To achieve this enforcement effective date, hiring of this staff should be scheduled for August 1st, 1988 with the cost for these five months being $122,388.00 and $170,000 in the second year.

o Licencing Comments

Overtime (time and a half) for inspectors if increased enforcement of By-law 79-323 is required. Cost will vary depending on extent of complaints.

o Police, Health, Fire and Legal Comments

None

BACKGROUND

In September 1987, a task force on student housing was struck to deal with the "student"/"resident" conflict in the Westdale/West Hamilton Community. After 8 months of public and task force meetings, the task force formulated 21 recommendations under the headings of: Permanent Housing Committee; City Policy/By-laws and Enforcement; University Policies and Promotion and Education.

On May 11, 1988, The Planning and Development Committee requested various City and Regional Departments to comment on the recommendations and to outline any financial implications. The attached report is a compilation of comments from the following departments: Planning, Building, Legal, Licencing, Fire, Health and Police. The recommendations of the student housing task force are in bold print followed by the comments from the above noted departments.

ANALYSIS

1. PERMANENT HOUSING COMMITTEE

i) **That the City in conjunction with the University and Student Union establish a permanent Housing Committee (composed of City representatives, students, university administrators, landlords and residents) to review data on student housing and to address issues related to student housing problems.**

o Planning Comments

a) The department agrees with the concept of establishing a Housing Committee. However, the recommendation, as it now reads, makes it appear as if the City will set up this Committee. It was staffs' understanding that the Housing Committee would primarily be a university based function (with one or both of the ward alderman being included). Accordingly the recommendation should be amended to read:

"That the City request the University and Student Union to establish a permanent Housing Committee (composed of City representatives, students, university administrators, landlords and residents) to review data on student housing, address any problems related to student housing and other pertinent issues."

Council should appoint a member to sit on this Committee and the University should select the other members. Once the composition has been finalized, the Committee should establish a Terms of Reference to determine if this will be autonomous body or not and to outline the major issues the Committee wishes to deal with.

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

ii) **That the Housing Committee develop a brochure for those students residing in the Community in off-campus housing and develop ways to educate and expected standard of behaviour.**

o Planning, Building, Legal, Licencing, Fire, Health and Police Comments

No comment

2. City Policy/By-laws and Enforcement

i) **That the "family" definition as contained in Zoning By-law No. 6593 be amended on the following basis:**

"Family" shall mean:

1. **one person with or without the accommodation of not more than three lodgers.**

2. **any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.**

3. **any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.**

4. **five or fewer persons, irrespective of the relationship if any between them.**

occupying premises and living as a single housekeeping unit;

but does not include a person or group of persons occupying:

5. **a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.**

o Planning Comments

The Department, after careful study and analysis of the issue, recommends at this time that the definition of "Family" (as contained in Zoning By-law No. 6593) remain unchanged, for the following reasons:

1) The enforcement of an exclusionary by-law is difficult; most notably, as it relates to an inability to gain entry to inspect the premises and the inability of civic officials to determine the "relationship" between persons occupying a single housekeeping unit. Accordingly, a by-law that cannot be properly enforced is effectively inoperative.

2) The exclusionary by-laws currently in place in two other municipalities, Waterloo and London, are being challenged in the courts and therefore, it would be premature for the City of Hamilton to enact a similar by-law before the court decisions respecting these by-laws have been made.

3) The apparent "overcrowding" of students in single-family dwellings is symptomatic of a much larger provincial problem - a shortage of affordable rental accommodation.

4) The province is intending to introduce legislation to prohibit municipalities from zoning on the basis of occupancy.

5) The "Family" definition as contained in the Zoning By-law is applied on a city-wide basis, and any change to the said definition (targeted to a "student housing problem") has a ripple effect throughout the entire City, not just the Westdale/West Hamilton area. As a result, it will affect other groups' living accommodations. (For greater detail see APPENDIX "A")

o Building Comments

The "family" definition as contained in Zoning By-law 6593 remain unchanged.

Difficulties in enforcement would be experienced by the enforcing agencies because of the lack of authority to gain substantive evidence, sufficient to proceed through the court systems. In that, the limited authorities granted to Provincial Offences Officers employed by the Municipality, restrict the officer from obtaining the required information. In that alleged offenders can refuse to give information and no legislative authority is available to demand such information.

o Legal Comments

This recommendation cannot be supported for the following reasons:

1. Provincial legislation is expected soon that will prohibit municipalities from passing exclusionary By-laws of this kind.

2. It is virtually impossible to enforce,

   a) because of the unavailability of admissible evidence with respect to family status or other relationship connections, and

   b) for the reasons outlined under Recommendation 2 (iii).

3. Its legal validity is uncertain. There are legal precedents both for and against exclusionary zoning of this type. And most of the cases that have been decided in favour of a municipality are still under appeal.

4. It is discriminatory.

5. It is vulnerable to successful challenge on several grounds, including points 3 and 4 above.

o Licencing, Fire, Health and Police Comments

No Comment

ii) That the Planning and Development Committee be asked to give consideration to Section 19 of Zoning By-law 6593 with a view to amending the discrepancy between pre and post 1940 houses.

o Planning Comments

Under Section 19 - Converted Dwelling Requirements of the Zoning By-law and dwelling erected prior to July 25, 1940 can be converted to add more dwelling units provided they meet a number of criteria such as:

1. building cannot be enlarged.

2. the new dwelling unit must have a minimum square footage of 65 m^2 (699.65 sq. ft.)

3. additional parking spaces are to be provided.

If all the requirements as set out in Section 19 are met, then the applicant is not required to submit a zoning or committee of adjustment application.

The intent of this conversion policy was to allow homes in the older section to be converted to maxamize their use. The policy became part of the Zoning By-law in 1951. The 1940 date is exactly 10 years prior to the passing of the Zoning By-law by City Council.

In order to remove the discrepancy between houses built prior to 1940 and those built after 1940, there are 2 alternatives.

a) to delete Section 19 from the Zoning By-law; or,

b) to remove the reference to date.

If Section 19 was deleted in its entirety then all conversions would be prohibited. Consequently, individual zoning by-law changes would be required if a dwelling was to be converted.

If the reference to the date is removed, then all dwellings, regardless of age, could be converted to two or three family dwellings.

The department cannot support the deletion of Section 19 for three reasons:

1) there would likely be an increase in the number of illegal conversions;

2) the deletion of the conversion policy would only exacerbate the already existing housing shortage; and,

3) this type of zoning By-law amendment goes against provincial policies which are currently trying to promote the provision of additional dwelling units wherever possible.

The second option involves the removal of the date "1940" thereby allowing all residential buildings to be converted to additional units. The provincial government has offered funding to the City to study the issue of "Housing Intensification". A terms of reference for this study is currently underway and will be presented to the Planning and Development Committee at a future meeting. This study is tentatively scheduled to begin at the end of this year and is to be included in the 1989 Work Program. Therefore any decision on the removal of the 1940 date should be tabled pending the outcome of the Housing Intensification Study.

o Building Comments

The Committee should table this matter for further study.

As the Committee is aware, Section 19 of the Zoning By-law 6593 deals specifically with the conversion of buildings built prior to the passing of the Zoning By-law to accommodate additional housing units.

In view of this fact, the Committee may not wish to deal with this matter at this time, until the proposed "Housing Intensification Study" has been completed.

o Legal, Licencing, Fire, Health and Police Comments

No Comment

iii) **That the City of Hamilton take the necessary steps to allow City Officials to enforce the Zoning By-law, Property Standards By-law, Backyard By-law, Licensing By-law, (Lodging Home), etc., under the Provincial Offences Act (ticketing offending persons) in an effort to increase effectiveness of enforcement.**

o Building Comments

We cannot support the recommendation 2(iii), that City officials enforce Zoning By-laws, property standards By-laws, and backyard By-laws by the use of Part 1 of the Provincial Offences Act (Ticketing). The following is the recommendation on enforcement by this Department.

Zoning By-law 6593

Enforcement be by use of Part 3 of the Provincial Offences Act.

As this Committee is well aware, zoning is a complicated matter and most times is not a clear cut issue.

At present, charges laid for zoning offenses are heard in By-law court by a Justice of the Peace and often involve indepth research on the part of staff prior to the laying of these charges. The use of the Part 1 process of the Provincial Offences Act (Tickets) is fraught with difficulties. A set fine is established by the Chief Justice. It is usually a minimal amount and may not be adequate to be a useful deterrent. It may also be looked upon by the offender to be a licence to operate, specifically when one looks at the lucrative income derived from the illegal use.

It is the opinion of this Department that the appearance of the defendant in a court of law would make the defendant realize the seriousness of the offence and the penalty that may be imposed may be adequate to act as a deterrent for any future violation.

Property Standards By-law 74-74

Enforcement is determined by statute, Section 31 of the Planning Act, and Part 3 of the Provincial Offences Act.

The enforcement process of the Property Standards By-law is determined by statute. It is specifically laid out in Section 31 of the Planning Act. Any contravention or variance from the procedure can lead to technical dimissal of prosecutions before the courts.

It must be recognized that the enforcement process in this statute offers the accused person many avenues of appeal and allows him to carry out remedial work over a period of time.

Maintaining Land in a Clear and Clean Condition - By-law 84-35

Enforcement by the use of Part 1 and Part 3 of the Provincial Offences Act.

As you are aware, this By-law deals with the maintaining of the property of a building in a neat and tidy condition and includes the maintenance of grassed areas.

The use of the Part 1 process may be advantageous in certain circumstances such as the maintaining of lawns. However, discretion must be left with the enforcing agency as to whether tickets are used or Part 3 summons.

o Legal

This recommendation refers to two distinct issues:

a) Enforcing existing By-laws

This part of the recommendation can be supported with qualification.

1. There are a number of systemic problems associated with effective enforcement of City By-laws, such as gaining entry to inspect, obtaining reliable evidence of an offence, and time delays inherent to court proceedings.

2. The matter of gaining entry to inspect is perhaps the most serious of these enforcement problems. It is especially critical in situations where the owner or occupant refuses to consent. Insepctors appointed under the Building Code Act, and the Fire Marshal's Act, are then at a serious disadvantage, in that they are virtually powerless to proceed with an inspection; for many reasons obtaining a search warrant is not available as a back-up method for gaining entry to inspect.

   Health Inspectors are granted stronger powers of entry under the Health Promotion and Protection Act, in order to investigate matters thereunder, and judicial warrants to enter appear to be somewhat more easily obtained by them. However, these are rarely obtained, and in any event health matters tend to be secondary concerns here. More fundamental concerns focus on infractions to noise, parking and building standards.

3. With limited powers of entry to inspect a building, it is extremely difficult to obtain sufficiently strong and reliable evidence of an offence in order to adequately support a conviction. Little is gained by laying charges unless there is at least 50% chance of success in court, based on solicitor evaluation of the available evidence prior to a charge being laid.

4. Chronically over-loaded court dockets create long and unovoidable delays in prosecuting By-law infractions.

b) Ticketing Offences under Part 1 of the Provincial Offences Act

This part of the recommendation can be supported only with strong reservations.

1. Ticketing is inappropriate for many infractions of the Property Standards By-law, the Noise By-law, the Waste Materials (or backyard) By-law, and the Lodging House Licensing By-law.

2. The fines set by the Chief Provincial Court Judge for ticketable offences may not be as high as those recommended by the Planning and Development Committee, and they are likely to be low (generally between $50 and $150).

   It is particularly inappropriate to enforcement of the Zoning By-law because of its complexity, and because of the need to research and to prove such items as ownership, etc., in support of a charge.

3. There is little evidence that ticketing for By-law infractions will increase the effectiveness of By-law enforcement.

4. Moreover, enforcement by ticketing would not alter the evidentary requirements for successful prosecution, should the accused opt to defend the charge. Nor would it make obtaining a conviction in these circumstances any easier.

   The maximum penalty which may be imposed where the proceeding has commenced by way of ticket is $300.00, but in practice the Justice of the Pease will usually levy the fine set by the ticket, even after a full trial.

5. In order to actually create a ticketable offence, two pre-conditions must be met:

   i) An appropriate short form of wording must be set for each offence where a set fine payment might be appropriate; and

   ii) the fine for each of these offences must be pre-set by the Chief Judge of the Provincial Court (Criminal Division).

   While these are not onerous pre-conditions, there is a time delay of several months involved. And if such a procedure were to be initiated, it is strongly recommended that the City Solicitor's application to the Chief Judge include all related offences contained in that By-law for which offences a fine has not yet been set. Besides the unacceptability of multi-applications for fine settings, there is a risk with repeated applications over a short period of time, that at least some of the applications will be refused consideration.

6. Subject to these reservations, this recommendation can be supported on a limited basis, with respect to a few carefully worded By-law infractions that are minor in nature, evident, and recurring readily with the caution that a small set fine may be treated by some offenders as a "licence fee" that permits continued By-law violation.

o Licencing

If increased enforcement is required overtime (time and a half) will have to be paid to the inspector(s). The cost will vary depending on the extent of the complaints, which will be enforced under the Lodging House Section of Licence By-law 79-323.

o Planning, Fire, Health and Police

No Comment

iv) **That Council be requested to amend its policy to actively pursue enforcement of various maintenance By-laws instead of operating on a complaint basis.**

o Building

Council not change its policy of enforcing on a complaint basis only.

The enforcement of By-laws passed by the Municipality in the maintenance of buildings, must by their nature be accepted as a City wide initiative.

Given the characteristics of some wards in the City, the results of increased enforcement process on a City wide basis will result in increase workloads on the enforcement agency.

Having a city wide enforcement of maintenance By-laws would be economically unfeasible to the Municipality.

However, on a designated area enforcement basis, this increased enforcement would necessitate the hiring of 4 additional inspectors.

Because of the training given to the staff, the flexibility of this enforcement process is well within the capabilities of the Department.

o Legal

This recommendation can be supported, provided that it apply on a city-wide basis, and not to selected areas of the City only, so as to avoid allegations of "discrimination" and "selective enforcement".

o Planning, Fire, Licencing, Health and Police

No Comment

v) **That additional staff be provided to the Building Department to deal with Property Standard violations, recognizing the areas of special problems this Task Force has identified.**

o Building

If the Committee wishes to adopt recommendation 2iv), this Department recommends:

That the Building Department budget be increased to accommodate the hiring of 4 additional Inspectors, and that the Finance Committee be requested to recommend a method of finance.

To achieve this enforcement effective date, hiring of this staff should be scheduled for August 1st, 1988 with the cost for these five months being $122,388.00 and $170,000 in the second year.

o Planning, Legal, Fire, Licencing, Health and Police

No Comment

vi) **That the Transportation Services Committee meet with the proposed Housing Committee to review the transportation needs of the students with a view to improving service across the region.**

o Planning

Recommendation should be amended on the following basis:

"That the permanent Housing Committee meet with the Transportation Services Committee to review the transportation needs of the student with a view to improving service access in the region

and added to Section 1 as Recommendation iv)

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

vii) **That the Police, By-law Enforcement Officers and City Hall staff continue to be a visible force to attend to potential problem situations, especially during McMaster's peak student entertainment activities such as orientation, homecoming, etc.**

o Planning Comments

To our knowledge, City Hall staff does not attend McMaster entertainment activites.

o Police Comments

The department concurs with this recommendation. They will contact McMaster to determine the dates and the types of events to be held so adequate enforcement is available.

o Building, Legal, Fire, Health Comments

No Comment

viii) **That the Municipal (Hamilton) Non-Profit Housing Corporation approach McMaster University and the Student's Union with a view to forming a co-operative, to provide student housing with Provincial government monies.**

o Planning Comments

It is more appropriate for McMaster to deal directly with the Federal/Provincial Governments instead of the City's Municipal Non-Profit Corporation.

Recommendation should be amended to read:

> "That McMaster University and the Students' Union approach the Provincial and/or Federal governments with a view to procuring funds for student housing either within existing financial programs or newly created ones."
>
> and added to the end of recommendation 3i)

o Building, Legal, Fire, Licencing, Health and Police Comments

No Comment

ix) **That the City of Hamilton help to defray the costs associated with the construction of University and/or Student Union sponsored housing.**

o Planning Comments

The recommendation should be forwarded to the Legal and Finance Departments for action to determine the legal and financial implications of defraying costs for student housing.

As such, the recommendation should be amended on the following basis:

"That the City of Hamilton fully investigate the feasibility of defraying the costs associated with the construction of University and/or Student Union sponsored housing."

o Legal Comments

This recommendation can be supported provided that any such university housing construction would be operated on a non-commercial basis, so as not to attract the prohibition against municipal bonusing in s.112 of The Municipal Act, R.S.O. 1980.

In the alternative, the City of Hamilton may provide grants of aid to McMaster University pursuant to s.113 of the Municipal Act, R.S.O. 1980, to help defray the costs associated with construction of University and/or Student Union sponsored housing.

o Building, Fire, Licencing, Health and Police Comments

No comment

x) **That the Planning and Development Department prepare a map identifying all higher density areas within the region which are suitably zoned for the construction of multiple student accommodation to assist developers.**

o Planning Comments

The Planning Department currently displays detailed zoning maps and approved neighborhood plans for all neighbourhoods within the City of Hamilton and Town of Dundas. The maps are available for the public viewing and smaller ones are available for public purchase. The other 4 municipalities are responsible for their own mapping. The region does not have any detailed regional zoning maps. Due to the size of the region, any mapping of high density areas would have to be done on a general basis.

No specific sites or zoning could be identified. Therefore, the developer would have to go to each municipality for further explanation.

The cost of preparing and maintaining such a map would be as follows:

a)	map preparation	$1000
b)	map maintenance	$ 250
c)	consolidtion of information	$1200
d)	updating information	$ 600
e)	cost to Ancaster, Glanbrook Flamborough and Stoney Creek	Unknown

The Department is willing to meet with interested developers to identify possible sites for development of student housing.

If the Planning and Development Committee approves this recommendation then it should be forwarded to the Regional Planning Branch for action.

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comments

3. UNIVERSITY POLICIES

i) **That the University be encouraged to actively pursue the development and provision of additional on and/or off-campus housing.**

o Planning Comments

The item should be amended by adding the following line after "off campus housing".

"McMaster University and the Students' Union approach the Provincial and/or Federal governments with a view to obtaining funding for student housing either within existing financial programs or newly created ones."

ii) **That the entrance to on-campus residence accommodation should take into account the permanent residence of the student, as well as his academic standing. Students whose principal residence is in the immediate Hamilton-Wentworth area should be given a lesser priority**

o Planning, Building, Legal, Fire, Licencing, Health and Police Comments

No comment

iii) **Notwithstanding Recommendation 3ii), that every possible effort be made to ensure freshman admission to residence if that is the type of accommodation they prefer, regardless of the site of their primary residence.**

o Planning, Building, Legal, Fire, Licencing, Health and Police Comments

No comment

iv) **That the University be encouraged to assess its policy so that its code of behavior for residents continue to be rigorously and consistently enforced.**

o Planning, Building, Legal, Fire, Licencing, Health and Police Comments

No comment

v) That the University be encouraged to continue to make use of resource groups such as The Lady Hamiltons, The Chamber of Commerce and The Regional Tourism Association, etc., during orientation week to assist in acclimatizing students and their families to living in Hamilton. The University could continue to utilize these volunteers in an on-going ad hoc basis, whenever their expertise would be beneficial.

o Planning, Building, Legal, Fire, Licencing, Health and Police Comments

No comment

4. PROMOTION AND EDUCATION

i) That the University, in conjunction with the City of Hamilton, publish brochures to address the following:

* outlining the students' and residents' rights and obligations under the City of Hamilton By-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing (Lodging Home), etc.);

* listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;

* promoting families to accept students as boarders;

* hints on being a "good neighbourhood"

* encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling.

o Planning Comments

That the first line of Recommendation 4i) should be amended to read:

"That the University, with technical assistance from the City of Hamilton, publish brochures to address the following:"

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

ii) **That consideration be given to the University, the McMaster Student Union and residents forming a committee to welcome students into the Westdale/West Hamilton community in the fall.**

o Planning, Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

iii) **That the building of off-campus cooperative apartments or buildings erected by private enterprise be encouraged in areas where it is suitably zoned.**

o Planning Comments

The Department supports the concept of encouraging private enterprise to build more student housing. However, there are only a few parcels of land within the Westdale/West Hamilton community which is suitably zoned for multiple residential housing. Accordingly, the Department receives requests to rezone properties for this use. Each application is assessed on its own merit. One of the major considerations is its impact on the surrounding land uses. If the department feels that the proposed development represents good planning principles then the application will be supported.

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

iv) **That the City of Hamilton, in conjunction with University administration and Student Union, lobby Queen's Park to modify rent controls so as to encourage and increase the stock of multiple rental housing.**

o Planning Comments

This item should be tabled at this time. At a future meeting, the Planning and Development Committee will be considering the establishment of an advisory committee to study the issue of rent controls. The issue of rent controls was brought to the Planning and Development Committee by John Parente and the High Density Residential Development Study.

o Building, Legal, Licencing, Fire, Health and Police Comments

No Comment

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

APPENDIX A

February 10, 1988

Refer to File No. 4480
Attention of
Your File No.

TO: Task Force on Housing

SUBJECT

Proposed Amendment to the Definition of "Family" as contained in Zoning By-law No. 6593.

BACKGROUND

In a recent survey of the residents in the Westdale/West Hamilton area regarding student housing, it has been revealed that a major problem appears to be "too many students per house". In their opinion, this apparent over-crowding tends to create additional problems, namely noise and overflow parking on residential streets. It has been suggested that such problems would be mitigated if a restriction was placed on the number of unrelated persons per unit.

Accordingly, the Task Force on Housing requested the Planning and Development Department to study the possibility of amending the definition of "Family" in the Zoning By-law. The amendment would involve restricting the number of unrelated persons living together as a single housekeeping unit to a reasonable number, possibly four or five. Under the current definition, there is no restriction on the number of unrelated persons per single housekeeping unit.

This report has been prepared with the assistance of the Legal and Building Departments.

RECOMMENDATIONS

The Planning and Development Department, after careful study and analysis of the issue, recommends at this time that the definition of "Family" (as contained in Zoning By-law No. 6593) remain unchanged, for the following reasons:

1) The enforcement of an exclusionary by-law is difficult; most notably, as it relates to an inability to gain entry to inspect the premises and the inability of civic officials to determine the "relationship" between persons occupying a single housekeeping unit. Accordingly, a by-law that cannot be properly enforced is effectively inoperative.

2) The exclusionary by-laws currently in place in two other municipalities, Waterloo and London, are being challenged in the courts and therefore, it would be premature for the City of Hamilton to enact a similar by-law before the court decisions respecting these by-laws have been made.

3) The apparent "overcrowding" of students in single-family dwellings is symptomatic of a much larger provincial problem - a shortage of affordable rental accommodation.

4) The "Family" definition as contained in the Zoning By-law is applied on a city-wide basis, and any change to the said definition (targeted to a "student housing problem") has a ripple effect throughout the entire City, not just the Westdale/West Hamilton area. As a result, it will affect other groups' living accommodations.

ANALYSIS

1. Enforcement

An argument has been put forward that limiting the number of unrelated persons living together as a single housekeeping unit would control the densities within the predominantly "single family" areas of Westdale/West Hamilton. In theory, this is a laudable planning approach; however, the implementation of such a recommendation has many practical short-comings.

There are a number of problems associated with effective enforcement of exclusionary zoning. Three of the most serious difficulties are:

1. The inability of the building officials and fire prevention officers to gain entry to inspect the premises;
2. The inability to determine the "relationship" between persons living as a single housekeeping unit; and,
3. The inability to determine the actual number of people residing in a single family dwelling.

The matter of gaining entry to inspect is perhaps the most serious of these enforcement problems. It is especially critical in situtations where the owner or occupant refuses to consent. Inspectors appointed under the Building Code Act, and the Fire Marshall's Act, are then at a serious disadvantage, in that they are virtually powerless to proceed with an inspection; for all intents and purposes, obtaining a search warrant is <u>not</u> available as a back-up method for gaining entry to inspect.

There is no obligation on behalf of an occupant of a dwelling to reveal their name or relationship, or whether or not they are occupants/ residents of that unit.

The question remains, how does a building inspector determine who is related to whom. Without any reliable evidence, the City is unable to prosecute the "offending" property owner.

A secondary question respecting the issue of "blood-related" is determining in definitive terms what constitutes "blood- related". The dictionary defines "blood-related" as a person related by birth.

The question remains, "what limits do you place on birth". Does "blood-related" mean only the immediate family, or does it include aunts and uncles, perhaps even 2nd and 3rd cousins. Where does one draw a "reasonable limit", and what method is available to the inspector to determine geneology? Until the questions stated above are fully answered, the enforcement of an exclusionary by-law is difficult, if not impossible.

2) Validity of an Exclusionary By-law

The validity of exclusionary zoning is a controversial and unsettled issue in Ontario.

The following cases take different view points with respect to the by-law's validity.

Bell vs Queen

North York defined a "family" as two or more persons living together inter-related by blood, marriage or legal adoption; as such, it did not allow unrelated persons living together.

Judge Spence (Supreme Court of Canada), in his decision, said the by-law was oppressive, unreasonable and interfered with the rights of those persons subject to the by-law.

Accordingly, the "family" definition was struck down since:

> "the legislature never intended to give authority to make such rules and the devices of zoning by reference to the relationship of occupants rather than use of the building is one which is ultra vires (beyond the legal power or authority of a corporation) of the municipality under the provisions of The Planning Act." (Bell 1979, 9.M:P.L.R. 103 at 114)

Smith vs Tiny Township

The second significant case involves the Township of Tiny, where the municipality defines "Family" as:

> "one or more human beings related by blood or marriage or common law, or a group of not more than three human beings who need not be related by blood or marriage living together as a single housekeeping unit...".

The decision by Judge Robins (Ontario Supreme Court) upheld Tiny's family definition on the basis that the definition "incorporates most types of arrangements usual for people living together as a single housekeeping unit".

Orser vs Queen (Provincial Offences Court)

The City of Waterloo restricts the number of unrelated persons to a maximum of five. The definition was challenged in the lower courts and was upheld on the basis that the Tiny Township decision was applied as being the law in Ontario. However, the appellant has appealed the lower court's ruling.

London

A recent Ontario Municipal Board decision upheld London's right to limit the number of unrelated persons per dwelling to four. However, it is likely that the by-law will be appealed to the Divisional Court.

From recent court cases, it is difficult to determine with any certainty whether or not exclusionary zoning is lawful.

Therefore, any change to the family definition can be considered as premature until such time that the courts have made a more definitive decision on the legality of such a by-law.

3) Overcrowding: Provincial Initiatives

The proposed restriction to limit the number of unrelated persons per dwelling unit is not the solution to the "overcrowding" problem. The solution is more affordable housing. Unfortunately, Hamilton, as well as many urban centres throughout the province, have been experiencing a housing shortage over the last several years for certain groups of people, including but not limited to, students, low income families, seniors, single parents, etc.

This housing shortage can be attributed to two major problems. The demand for more affordable accommodations is sky-rocketing, while the supply of such units is at a bare minimum. From an economic standpoint, the private developers will not build rental apartment buildings when it is proven that condominiums are more lucrative. With the shortage of apartments, people are forced to find alternative housing. As a result, many people are forced to share living expenses with a large number of people.

The provincial government, in an attempt to alleviate this housing crisis, is currently reviewing all municipal by-laws and their impact on the population that needs housing. This, of course, includes students.

In her recent speech, the Honourable Chaviva Hosek (Minister of Housing) spoke of the government's commitment to provide more affordable housing. (See Appendix "A").

In addition, Cam Jackson (M.P.P. Burlington South) introduced a private member's Bill to prohibit exclusionary zoning by-laws which limit the number of unrelated persons per dwelling unit. Bill 94 is expected to receive 2nd reading some time in mid to late May 1988.

Since the provincial government is seriously reviewing all municipal by-laws as they affect the provision of affordable housing, it is not practical nor logical to amend the zoning by-law to restrict the number of unrelated persons per unit.

4) Application of the Zoning By-law

The Zoning By-law provisions (including definitions such as "family", "dwelling unit", etc.) apply on a city-wide basis. Consequently, the "Family" definition cannot be amended for selected application in the Westdale/West Hamilton area only. Such an action is discriminatory.

ALTERNATIVE APPROACH

If the Task Force wishes to pursue an amendment to the "Family" definition, then consideration could be given to adopting a definition similar to the one in Tiny Township. To date, this is the only definition which has been upheld by the courts. However, it must be noted that the problems as outlined in the previous pages apply.

CONCLUSION

Based on the foregoing, the proposed amendment to the "Family" definition (as contained in Zoning By-law No. 6593) to restrict the numbers of unrelated persons living together as a single housekeeping unit to four or five cannot be supported at this time.

EXCERPTS FROM THE SPEECH GIVEN BY THE MINISTER OF HOUSING AT A CONFERENCE IN MISSISSAUGA ON FRIDAY, OCTOBER 30, 1987

"...The eviction of even one person under such restricted policies is a travesty and makes our job of supplying affordable housing that much more difficult. It is going in the wrong direction at a time when people need help.

"We have to take responsibility for people who cannot find housing they can afford and the communities must take up this responsibility. We need a new attitude in the way we view our existing communities and the communities that have yet to be built. We must start thinking about building new kinds of neighbourhoods and accepting the existence of neighbourhoods somewhat different from the way we think they are.

Neighbourhoods that are a mosaic of income and social groups. New developments whether in Peel or in other parts of the province should contain a variety of housing forms to match the variety of ways people choose to live.

"After all, the housing market today is not the housing market of the 1950's. Increasingly, our population consists of households made up of single people, senior citizens, one parent families, and special needs groups...."

MEMORANDUM • CITY OF HAMILTON

TO :	Mr. V.J.. Abraham,Director Local Planning Att: Ms. Joanne Hickey	YOUR FILE:	
FROM :	Lian Lawrence City Solicitor's Office	OUR FILE :	
SUBJECT :	Final Recommendation - Task Force on Student Housing	DATE :	June 6, 1988

As per your request for a report from the legal department to be included in a consolidated report, prepared by the Planning Department for presentation to the Planning and Development Committee, please be advised as follows:

Recommendation 1 (i) No comment.

(ii) No comment.

Recommendation 2 (i) This recommendation cannot be supported for the following reasons:

1. Provincial legislation is expected soon that will prohibit municipalities from passing exclusionary by-laws of this kind.

2. It is virtually impossible to enforce,

   (a) because of the unavailability of admissible evidence with respect to family status or other relationship connections, and

   (b) for the reasons outlined under Recommendation 2 (iii).

3. Its legal validity is uncertain. There are legal precedents both for and against exclusionary zoning of this type. And most of the cases that have been decided in favour of a municipality are still under appeal.

4. It is discriminatory.

5. It is vulnerable to successful challenge on several grounds, including points 3 and 4 above.

Recommendation 2 (ii) — No comment.

Recommendation 2 (iii) — This recommendation refers to two distinct issues:

(a) Enforcing existing By-laws

This part of the recommendation can be supported with qualification.

1. There are a number of systemic problems associated with effective enforcement of City by-laws, such as gaining entry to inspect, obtaining reliable evidence of an offence, and time delays inherent to court proceedings.

2. The matter of gaining entry to inspect is perhaps the most serious of these enforcement problems. It is especially critical in situations where the owner or occupant refuses to consent. Inspectors appointed under the Building Code Act, and the Fire Marshal's Act, are then at a serious disadvantage, in that they are virtually powerless to proceed with an inspection; for many reasons obtaining a search warrant is not available as a back-up method for gaining entry to inspect.

   Health Inspectors are granted stronger powers of entry under the Health Promotion and Protection Act, in order to investigate matters thereunder, and judicial warrants to enter appear to be somewhat more

easily obtained by them. However, these are rarely obtained, and in any event, health matters tend to be secondary concerns here. More fundamental concerns focus on infractions to noise, parking and building standards.

3. With limited powers of entry to inspect a building, it is extremely difficult to obtain sufficiently strong and reliable evidence of an offence in order to adequately support a conviction. Little is gained by laying charges unless there is at least 50% chance of success in court, based on solicitor evaluation of the available evidence prior to a charge being laid.

4. Chronically over-loaded court dockets create long and unavoidable delays in prosecuting by-law infractions.

(b) Ticketing Offences under Part 1 of the Provincial Offences Act

This part of the recommendation can be supported only with strong reservations.

1. Ticketing is inappropriate for many infractions of the Property Standards By-law, the Noise By-law ,the Waste Materials (or Backyard) By-law, and the Lodging House Licensing By-law.

2. The fines set by the Chief Provincial Court Judge for ticketable offences may not be as high as those recommended by the Planning and Development Committee, and they are likely to be very low (generally between $50 and $150).

It is particularly inappropriate to enforcement of the Zoning By-law because of its complexity, and because of the need to research and to prove such items as ownership, etc., in support of a charge.

3. There is little evidence that ticketing for by-law infractions will increase the effectiveness of by-law enforcement.

4. Moreover, enforcement by ticketing would not alter the evidentary requirements for successful prosecution, should the accused opt to defend the charge. Nor would it make obtaining a conviction in these circumstances any easier.

   The maximum penalty which may be imposed where the proceeding has commenced by way of ticket is $300.00, but in practice the Justice of the Peace will usually levy the fine set by the ticket, even after a full trial.

5. In order to actually create a ticketable offence, two pre-conditions must be met:

   (i) An appropriate short form of wording must be set for each offence where a set fine payment might be appropriate; and

   (ii) the fine for each of these offences must be pre-set by the Chief Judge of the Provincial Court (Criminal Division).

   While these are not onerous pre-conditions, there is a time delay of several months involved. And if such a procedure were to be initiated, it is strongly recommended that the City Solicitor's application

to the Chief Judge include all related offences contained in that by-law for which offences a fine has not yet been set. Besides the unacceptability of multi-applications for fine settings, there is a risk with repeated applications over a short period of time, that at least some of the applications will be refused consideration.

6. Subject to these reservations, this recommendation can be supported on a limited basis, with respect to a few carefully worded by-law infractions that are minor in nature, evident, and recurring readily, with the caution that a small set fine may be treated by some offenders as a "licence fee" that permits continued by-law violation.

Recommendation 2 (iv) — This recommendation can be supported, provided that it apply on a city-wide basis, and not to selected areas of the City only, so as to avoid allegations of "discrimination" and "selective enforcement".

Recommendation 2 (v) — No comment.

Recommendation 2 (vi) — No comment.

Recommendation 2 (vii) — No comment.

Recommendation 2 (viii) — No comment.

Recommendation 2 (ix) — This recommendation can be supported provided that any such university housing construction would be operated on a non-commercial basis, so as not to attract the prohibition against municipal bonusing in s.112 of The Municipal Act, R.S.O. 1980.

		In the alternative, the City of Hamilton may provide grants of aid to McMaster University pursuant to s.113 of the Municipal Act, R.S.O. 1980, to help defray the costs associated with construction of University and/or Student Union sponsored housing.
Recommendation 2	(x)	No comment.
Recommendation 3	(i)) (ii)) (iii)) (iv)) (v))	No comment.
Recommendation 4	(i)	No comment.
	4 (ii)	No comment.
	4 (iii)	No comment.
	4 (iv)	No comment.

I trust that these comments will be reported to the Planning and Development Committee in unabridged form. Please provide a copy of the consolidated report, for my review, prior to its submission to Susan Reeder.

Thank you.

Lian Lawrence
for K.A.Rouff
City Solicitor.

LL;hk

cc. Mr. L. Harvey, Building Department
cc. Mr. D. Barrow, City Clerks, Licencing Department.
cc. Mr. D. Peters, Fire Department.

MEMORANDUM • CITY OF HAMILTON

TO : Ms Joanne Hickey
Planning Department

YOUR FILE:

FROM : Dean Barrow
Senior Licence Inspector

OUR FILE :

SUBJECT : Final Recommendations - Student Housing Task Force

DATE : 1988 May 31

COSTING:

If increased enforcement is required from the Licensing Department, overtime (time and a half) will have to be paid to the inspector(s). The cost will vary depending on the extent of the complaints, which we will enforce under the Lodging House Section of the Licence By-law 79-323.

DB/hm

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

File No. 4180 Received May 31

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
P.P.& A.				
NEIGH				
DEV.	JJ			
E. & U.D.				
STAFF	JH	LM		
CART.				
ADMIN.				

MEMORANDUM • CITY OF HAMILTON

TO : Mr. V. Abraham, Director
Planning and Development Department
City Hall
Attention: Ms. Joanne Hickey, Planner

YOUR FILE:

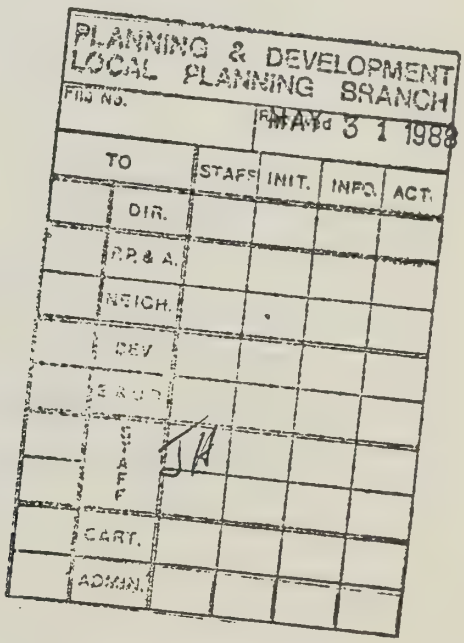
FROM : D.L. Peters, A/CFPO

OUR FILE :

SUBJECT : Recommendations from the Student Housing Task Force

DATE : May 26, 1988

Please be advised that the final recommendations of the Student Housing Task Force have been reviewed. I find that in their present form they have no cost impact on the Hamilton Fire Department or the Fire Prevention Bureau.

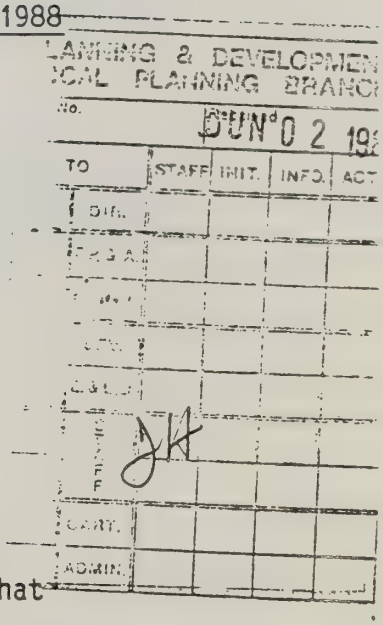


Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925

Chief of Police Robert E. Hamilton

Wednesday June 1, 1988



Ms. Jo-anne Hickey,
Planning Department

Re: Item 5 (vii) The Police

Dear Jo-anne,

The only request that this police force makes is that we be notified in advance of the dates of the university's "peak student entertainment activities" such as orientation, homecoming etc. so that sufficient manpower will be available to respond to possible additional complaints of noise, liquor violations, parking etc.

I have no further comment on any of the report.

Yours truly,

PC Bob Young
Crime Prevention

101000 MAY85

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. P. Kuppe
Building Commissioner

DATE: 1988 June 8
COMM FILE:
DEPT FILE: 88.1.1.

SUBJECT: Response to the Final recommendations from the Student Housing Task Force

RECOMMENDATION:

a) Recommendation #2(i) City Policy/By-Laws and Enforcement

i) That the "family" definition as contained in Zoning By-Law 6593 remain unchanged.

b) Recommendation 2(ii) Section 19 of the Zoning By-Law

That the Committee table this matter for further study.

c) Recommendation 2(iii) Enforcement of the By-Laws by ticketing

That the enforcement of zoning and maintenance by-laws by the use of Part 1 of the Provincial Offences Act, Ticketing Process not be adopted.

d) Recommendation 2(iv) Council amend policy to actively pursue enforcement of by-laws

That Council not change its policy of enforcing on a complaint basis only.

cont'd....

5. Recommendation 2(v) That additional staff be provided to the Building Department to accommodate Item 2(iv). If the Committee wishes to adopt Recommendation 2(iv), this Department recommends:

That the Building Department budget be increased to accommodate the hiring of 4 additional Inspectors, and that the Finance Committee be requested to recommend a method of finance.

FINANCIAL IMPLICATIONS:

To achieve this enforcement effective date, hiring of this staff should be scheduled for August 1st, 1988 with the cost for these five months being $122,388.00 and $170,000 in the second year.

BACKGROUND

a) Recommendation #2(i) City Policy/By-Laws and Enforcement

Difficulties in enforcement would be experienced by the enforcing agencies because of the lack of authority to gain substantive evidence, sufficient to proceed through the court systems. In that, the limited authorities granted to Provincial Offences Officers employed by the Municipality, restrict the officer from obtaining the required information. In that alleged offenders can refuse to give information and no legislative authority is available to demand such information.

b) Recommendation 2(ii) Section 19 of the Zoning By-Law

As the Committee is aware, Section 19 of the Zoning By-Law 6593 deals specifically with the conversion of buildings built prior to the passing of the Zoning By-Law to accommodate additional housing units.

In view of this fact, the Committee may not wish to deal with this matter at this time, until the proposed "Housing Intensification Study" has been completed.

c) Recommendation 2(iii) Enforcement of the By-Laws by ticketing

We cannot support the recommendation 2(iii), that City officials enforce zoning by-laws, property standards by-laws, and backyard by-laws by the use of Part 1 of the Provincial Offences Act (Ticketing). The following is the recommendations on enforcement by this Department.

cont'd....

Zoning By-Law 6593

RECOMMENDATION:

Enforcement be by use of Part 3 of the Provincial Offences Act.

As this Committee is well aware, zoning is a complicated matter and most times is not a clear cut issue.

At present, charges laid for zoning offenses are heard in by-law court by a Justice of the Peace and often involve indepth research on the part of staff prior to the laying of these charges. The use of the Part 1 process of the Provincial Offences Act (Tickets) is fraught with difficulties. A set fine is established by the Chief Justice. It is usually a minimal amount and may not be adequate to be a useful deterrent. It may also be looked upon by the offender to be a licence to operate, specifically when one looks at the lucrative income derived from the illegal use.

It is the opinion of this Department that the appearance of the defendant in a court of law would make the defendant realize the seriousness of the offence and the penalty that may be imposed may be adequate to act as a deterrent for any future violation.

Property Standards By-Law 74-74

RECOMMENDATION:

Enforcement be determined by statute, Section 31 of the Planning Act, and Part 3 of the Provincial Offences Act.

The enforcement process of the Property Standards By-Law is determined by statute. It is specifically laid out in Section 31 of the Planning Act. Any contravention or variance from the procedure can lead to technical dismissal of prosecutions before the courts.

It must be recognized that the enforcement process in this statute offers the accused person many avenues of appeal and allows him to carry out remedial work over a period of time.

Maintaining Land in a Clear and Clean Condition - By-Law 84-35

RECOMMENDATION:

Enforcement by the use of Part 1 and Part 3 of the Provincial Offences Act.

As you are aware, this by-law deals with the maintaining of the property of a building in a neat and tidy condition and includes the maintenance of grassed areas.

The use of the Part 1 process may be advantageous in certain circumstances such as the maintaining of lawns. However, discretion must be left with the enforcing agency as to whether tickets are used or Part 3 summons.

cont'd....

d) Recommendation 2(iv) Council amend policy to actively pursue enforcement of by-laws

The enforcement of By-laws passed by the Municipality in the maintenance of buildings, must by their nature be accepted as a City wide initiative.

Given the characteristics of some wards in the City, the results of increased enforcement process on a City wide basis will result in increase workloads in the enforcement agency.

Having a city wide enforcement of maintenance by-laws would be economically unfeasible to the Municipality.

However, on a designated area enforcement basis, this increased enforcement would necessitate the hiring of 4 additional inspectors.

Because of the training given to the staff, the flexibility of this enforcement process is well within the capabilities of the Department.

cont'd....

Building Inspector	$32,172
Benefits @ 17%	5,457
TOTAL	$37,629

YEAR 1 COMMENCING AUGUST 1ST, 1988

4 Inspectors

Wages & Benefits	$62,708
Vehicles	40,000
Vehicle Rental	7,680
Equipment	1,000
Training	1,000
Furniture & Office Alterations	10,000
TOTAL	**$122,388**

YEAR 2

4 Inspectors

Wages & Benefits	$150,500
Vehicle Rental	18,432
Equipment	1,000
Training	1,000
TOTAL	**$170,9321**

MEMORANDUM

TO: Ms. JoAnne Hickey, Planning Department

FROM: James L. Ford
Regional Department of Health Services

SUBJECT: Final Recommendations
Task Force on Student Housing

DATE: June 6, 1988

As requested, we have reviewed the above mentioned document and concur with the recommendations of the Task Force.

This Department will continue to inspect Lodging Houses for licencing purposes and as well respond to health-related complaints which come under the purview of the City of Hamilton Health By-law #4798.

James L. Ford, C.P.H.I.(C)
Chief Inspector
Inspection Division

JLF:cm

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